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External Affairs, Dept. of
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Treaty Series, 1946

Nos. 1-56

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Ottawa

Edmond Cloutier, C.M.G., B.A., L.Ph.,
King's Printer and Controller of Stationery

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Canada. External Affairs, Dept. of

(CANADA)

TREATY SERIES, 1946

No. 1

EXCHANGE OF NOTES

(December 21, 1945 and January 3, 1946)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

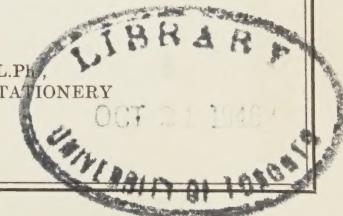
CONCERNING

THE DISPOSITION
OF STORAGE AND LOADING FACILITIES
AT PRINCE RUPERT

EFFECTIVE AS FROM JANUARY 3, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.P.
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946



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**EXCHANGE OF NOTES (DECEMBER 21, 1945 AND JANUARY 3, 1946)
BETWEEN CANADA AND THE UNITED STATES OF AMERICA
CONCERNING THE DISPOSITION OF STORAGE AND LOADING
FACILITIES AT PRINCE RUPERT.**

I

*The United States Ambassador to Canada
to the Secretary of State for External Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

OTTAWA, Canada, December 21, 1945.

No. 423

Sir,

I have the honor to refer to my predecessor's note No. 738 of August 14, 1942, and to your reply No. 125 of August 15, 1942,¹ regarding the establishment of an oil supply line which would be supplementary to that known as the Canol Project, which was dealt with by my predecessor's note of June 27 and your reply of June 29, 1942.²

In that exchange of notes it was agreed that the pipeline from Skagway to Whitehorse and the storage and loading facilities at Prince Rupert should remain the property of my Government until the agreement after the war upon their disposition. It was further agreed that the pipeline and the other facilities mentioned should not be dismantled until such action was recommended by the Permanent Joint Board on Defence.

Having in mind that fact that the major United States facilities at Prince Rupert are in process of being disposed of in accordance with the 33rd Recommendation of the Permanent Joint Board on Defence, which formed the subject of the Canadian Ambassador's note to the Secretary of State of November 22, 1944,³ I have now been directed to propose that the storage and loading facilities at Prince Rupert mentioned in the exchange of notes of August 14-15, 1942, and including several buildings, and structures, an open storage yard, a railroad spur, and a dock, be disposed of under the procedure established by the 33rd Recommendation without the prerequisite reference to the Board contemplated in that exchange of notes.

Accept, Sir, the renewed assurances of my highest consideration.

RAY ATHERTON.

¹ Treaty Series 1942, No. 24.

² Treaty Series 1942, No. 23.

³ Treaty Series 1944, No. 35.

II

*The Secretary of State for External Affairs
to the United States Ambassador*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, January 3, 1946.

No. 2

Excellency:

I have the honour to refer to your Note No. 423 of December 21, 1945, regarding the disposition of storage and loading facilities at Prince Rupert which were erected under the exchange of Notes which authorized the establishment of an oil supply line supplementary to that known as the Canol Project.

2. I am pleased to inform you that the Canadian Government agrees to your proposal that these facilities be disposed of under the procedure established by the 33rd Recommendation of the Permanent Joint Board on Defence without further reference to the Board.

Accept, Excellency, the renewed assurances of my highest consideration.

N. A. ROBERTSON,
*for the Secretary of State
for External Affairs.*

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(CANADA)

TREATY SERIES, 1946
No. 2

CONVENTION
CONCERNING
STATISTICS OF WAGES AND HOURS OF WORK
ADOPTED BY
THE INTERNATIONAL LABOUR CONFERENCE
ON THE 20th JUNE 1938

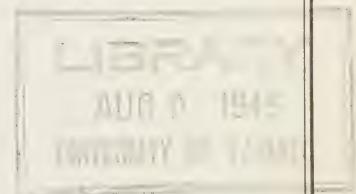
(Canadian Ratification Deposited on 6th April, 1946)

CANADA

RECUEIL DES TRAITÉS 1946
N° 2

CONVENTION
CONCERNANT
LES STATISTIQUES DES SALAIRES
ET DES HEURES DE TRAVAIL
ADOPTÉE PAR
LA CONFÉRENCE INTERNATIONALE DU TRAVAIL
LE 20 JUIN 1938

(La ratification du Canada a été déposée le 6 avril 1946)



OTTAWA
EDMOND CLOUTIER
IMPRIMEUR DE SA TRÈS EXCELLENTE MAJESTÉ LE ROI
1946

CANADA

TREATY SERIES, 1946
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(La ratification du Canada a été déposée le 6 avril 1946)



OTTAWA
EDMOND CLOUTIER
IMPRIMEUR DE SA TRÈS EXCELLENTE MAJESTÉ LE ROI
1946

CONVENTION (No. 63) CONCERNING STATISTICS OF WAGES AND HOURS OF WORK IN THE PRINCIPAL MINING AND MANUFACTURING INDUSTRIES, INCLUDING BUILDING AND CONSTRUCTION, AND IN AGRICULTURE.

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fourth Session on 2 June 1938, and

Having decided upon the adoption of certain proposals with regard to statistics of wages and hours of work in the principal mining and manufacturing industries, including building and construction, and in agriculture, which is the sixth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Draft International Convention, and

Having determined that, although it is desirable that all Members of the Organisation should compile statistics of average earnings and of hours actually worked which comply with the requirements of Part II of this Convention, it is nevertheless expedient that the Convention should be open to ratification by Members which are not in a position to comply with the requirements of that Part,

adopts, this twentieth day of June of the year one thousand nine hundred and thirty-eight the following Draft Convention which may be cited as the Convention concerning Statistics of Wages and Hours of Work, 1938:

PART I.—GENERAL PROVISIONS

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes that:

- (a) it will compile as required by this Convention statistics relating to wages and hours of work;
- (b) it will publish the data compiled in pursuance of this Convention as promptly as possible and will endeavour to publish data collected at quarterly or more frequent intervals during the succeeding quarter and to publish data collected at intervals of six or twelve months during the succeeding six or twelve months respectively; and
- (c) it will communicate the data compiled in pursuance of this Convention to the International Labour Office at the earliest possible date.

Article 2

1. Any Member which ratifies this Convention may, by a declaration appended to its ratification, exclude from its acceptance of the Convention:

- (a) any one of Parts II, III, or IV; or
- (b) Parts II and IV; or
- (c) Parts III and IV.

CONVENTION (N° 63) CONCERNANT LES STATISTIQUES DES SALAIRES ET DES HEURES DE TRAVAIL DANS LES PRINCIPALES INDUSTRIES MINIÈRES ET MANUFACTURIÈRES, Y COMPRIS LE BÂTIMENT ET LA CONSTRUCTION, ET DANS L'AGRICULTURE.

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 2 juin 1938 en sa vingt-quatrième session,

Après avoir décidé d'adopter diverses propositions relatives aux statistiques des salaires et heures de travail dans les principales industries minières et manufacturières, y compris le bâtiment et la construction, et dans l'agriculture, question qui constitue le sixième point à l'ordre du jour de la session,

Après avoir décidé que ces propositions prendraient la forme d'un projet de convention internationale,

Après avoir décidé que, bien qu'il soit désirable que tous les Membres de l'Organisation compilent des statistiques des gains moyens et des heures de travail effectuées, conformes aux prescriptions de la Partie II de la présente convention, il est toutefois opportun que la convention soit ouverte à la ratification des Membres qui ne sont pas en mesure de se conformer aux prescriptions de ladite Partie,

adopte, ce vingtième jour de juin mil neuf cent trente-huit, le projet de convention ci-après qui sera dénommé: Convention concernant les statistiques des salaires et des heures de travail, 1938.

PARTIE I.—DISPOSITIONS GÉNÉRALES

Article 1

Tout Membre de l'Organisation internationale du Travail qui ratifie la présente convention s'engage:

- (a) à compiler, selon les dispositions de la présente convention, des statistiques relatives aux salaires et aux heures de travail;
- (b) à publier aussi rapidement que possible les données compilées en application de la présente convention, en s'efforçant de publier respectivement, au cours du trimestre suivant, les données recueillies à intervalle trimestriel ou plus fréquemment et, au cours du semestre ou de l'année qui suit, les données recueillies à intervalle semestriel ou annuel;
- (c) à communiquer dans le plus bref délai possible au Bureau international du Travail les données compilées en application de la présente convention.

Article 2

1. Tout Membre qui ratifie la présente convention peut, par une déclaration annexée à sa ratification, exclure de l'engagement résultant de sa ratification:

- (a) ou l'une des Parties II, III ou IV;
- (b) ou les Parties II et IV;
- (c) ou les Parties III et IV.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made under paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the application of Part or Parts of the Convention excluded from its acceptance.

Article 3

Nothing in this Convention imposes any obligation to publish or to reveal particulars which would result in the disclosure of information relating to any individual undertaking or establishment.

Article 4

1. Each Member which ratifies this Convention undertakes that its competent statistical authority shall, unless it has already obtained the information in some other way, make enquiries relating either to all, or to a representative part, of the wage earners concerned, in order to obtain the information required for the purpose of the statistics which it has undertaken to compile in accordance with this Convention.

2. Nothing in this Convention shall be interpreted as requiring any Member to compile statistics in cases in which, after enquiries made in the manner required by paragraph 1 of this Article, it is found impracticable to obtain the necessary information without the exercise of compulsory powers.

PART II.—STATISTICS OF AVERAGE EARNINGS AND OF HOURS ACTUALLY WORKED IN MINING AND MANUFACTURING INDUSTRIES

Article 5

1. Statistics of average earnings and of hours actually worked shall be compiled for wage earners employed in each of the principal mining and manufacturing industries, including building and construction.

2. The statistics of average earnings and of hours actually worked shall be compiled on the basis of data relating either to all establishments and wage earners or to a representative sample of establishments and wage earners.

3. The statistics of average earnings and of hours actually worked shall:

- (a) give separate figures for each of the principal industries; and
- (b) indicate briefly the scope of the industries or branches of industry for which figures are given.

Article 6

The statistics of average earnings shall include:

- (a) all cash payments and bonuses received from the employer by the persons employed;
- (b) contributions such as social insurance contributions payable by the employed persons and deducted by the employer; and
- (c) taxes payable by the employed persons to a public authority and deducted by the employer.

2. Tout Membre qui aura fait une telle déclaration pourra l'annuler en tout temps par une déclaration ultérieure.

3. Tout Membre à l'égard duquel est en vigueur une déclaration faite conformément au paragraphe 1 du présent article doit indiquer chaque année, dans son rapport sur l'application de la présente convention, dans quelle mesure un progrès quelconque a été réalisé en vue de l'application de la Partie ou des Parties de la convention exclues de son engagement.

Article 3

Rien dans la présente convention n'impose l'obligation de publier ou de donner connaissance des chiffres qui entraîneraient la divulgation de renseignements relatifs à une entreprise ou établissement particulier quelconque.

Article 4

1. Tout Membre qui ratifie la présente convention s'engage à ce que son service de statistique compétent entreprenne des enquêtes portant soit sur l'ensemble, soit sur une fraction représentative des ouvriers considérés, afin d'obtenir les informations requises en vue des statistiques qu'il s'engage à compiler conformément à la présente convention, à moins que ce service n'ait déjà obtenu ces informations d'une autre manière.

2. Rien dans la présente convention ne doit être interprété comme une obligation pour un Membre de compiler des statistiques lorsque, à la suite des enquêtes effectuées conformément au paragraphe 1 du présent article, ce Membre ne se trouve pas pratiquement en mesure d'obtenir les informations nécessaires sans exercer de contrainte légale.

PARTIE II.—STATISTIQUES DES GAINS MOYENS ET DES HEURES DE TRAVAIL EFFECTUÉES DANS LES INDUSTRIES MINIÈRES ET MANUFACTURIÈRES

Article 5

1. Des statistiques sur les gains moyens et les heures de travail effectuées doivent être compilées pour les ouvriers occupés dans chacune des principales branches des mines et de l'industrie manufacturière, y compris le bâtiment et la construction.

2. Les statistiques des gains moyens et des heures de travail, effectuées doivent être compilées sur la base des données portant, soit sur l'ensemble des établissements et des ouvriers, soit sur un choix représentatif des établissements et des ouvriers.

3. Les statistiques des gains moyens et des heures de travail effectuées doivent:

- (a) donner des chiffres distincts pour chacune des principales industries;
- (b) donner brièvement la désignation des industries ou branches d'industries pour lesquelles des chiffres sont donnés.

Article 6

Les statistiques des gains moyens doivent comprendre:

- (a) tous les paiements en espèces et primes reçus de l'employeur par les personnes occupées;
- (b) les contributions, telles que les cotisations d'assurance sociale payables par les personnes occupées, qui sont retenues par l'employeur;
- (c) les impôts, payables par les personnes occupées à une autorité publique, qui sont retenus par l'employeur.

Article 7

In the case of countries and industries in which allowances in kind, for example in the form of free or cheap housing, food or fuel, form a substantial part of the total remuneration of the wage earners employed, the statistics of average earnings shall be supplemented by particulars of such allowances, together with estimates, so far as practicable, of their money value.

Article 8

The statistics of average earnings shall be supplemented, so far as practicable, by indications as to the average amount of any family allowances per person employed in the period to which the statistics relate.

Article 9

1. The statistics of average earnings shall relate to average earnings per hour, day, week or other customary period.

2. Where the statistics of average earnings relate to average earnings per day, week or other customary period, the statistics of actual hours shall relate to the same period.

Article 10

1. The statistics of average earnings and of hours actually worked, referred to in Article 9, shall be compiled once every year and where possible at shorter intervals.

2. Once every three years and where possible at shorter intervals the statistics of average earnings and, so far as practicable, the statistics of hours actually worked shall be supplemented by separate figures for each sex and for adults and juveniles; provided that it shall not be necessary to compile these separate figures in the case of industries in which all but an insignificant number of the wage earners belong to the same sex or age group, or to compile the separate figures of hours actually worked for males and females, or for adults and juveniles, in the case of industries in which the normal hours of work do not vary by sex or age.

Article 11

Where the statistics of average earnings and of hours actually worked relate not to the whole country but to certain districts, towns or industrial centres, these districts, towns or centres shall, so far as practicable, be indicated.

Article 12

1. Index numbers showing the general movement of earnings per hour and where possible per day, week or other customary period shall be compiled at as frequent and as regular intervals as possible on the basis of the statistics compiled in pursuance of this Part of this Convention.

2. In compiling such index numbers due account shall be taken, *inter alia*, of the relative importance of the different industries.

3. In publishing such index numbers indications shall be given as to the methods employed in their construction.

Article 7

Dans le cas de pays et d'industries où les allocations en nature, par exemple sous la forme de logement, nourriture ou combustible gratuits ou à prix réduit, constituent une partie importante de la rémunération totale des ouvriers occupés, les statistiques des gains moyens doivent être complétées par des indications sur ces allocations et, dans la mesure du possible, par une estimation de leur valeur en espèces.

Article 8

Les statistiques des gains moyens doivent être complétées, autant que possible, par des indications sur le montant moyen, par personne occupée, de toutes allocations familiales pour la période à laquelle se réfèrent les statistiques.

Article 9

1. Les statistiques des gains moyens doivent porter sur les gains moyens calculés par heure, par jour, par semaine ou pour toute autre période en usage.

2. Lorsque les statistiques des gains moyens portent sur les gains moyens calculés par jour, par semaine ou par toute autre période en usage, les statistiques sur les heures de travail effectuées doivent porter sur la même période.

Article 10

1. Les statistiques mentionnées à l'article 9, relatives aux gains moyens et aux heures de travail effectuées, doivent être compilées une fois par année et autant que possible à des intervalles plus fréquents.

2. Une fois tous les trois ans et si possible à intervalles plus fréquents, les statistiques des gains moyens et, dans la mesure du possible, les statistiques des heures de travail effectuées doivent être complétées par des chiffres distincts pour chaque sexe, et pour les adultes et les jeunes gens. Toutefois, il n'est pas nécessaire de compiler ces chiffres distincts dans le cas des industries où tous les ouvriers, à l'exception d'un nombre insignifiant d'entre eux, appartiennent au même sexe ou au même de ces deux groupes d'âge, ou de compiler les chiffres distincts des heures de travail effectuées, pour les travailleurs de sexe masculin et féminin ou pour les adultes et les jeunes gens, dans le cas d'industries où les heures normales de travail ne varient pas suivant le sexe ou l'âge.

Article 11

Lorsque les statistiques des gains moyens et des heures de travail effectuées ne se rapportent pas au pays entier, mais seulement à certaines régions, villes ou centres industriels, ces régions, villes ou centres doivent, autant que possible, être indiquées.

Article 12

1. Des nombres-indices montrant le mouvement général des gains par heure et, si possible, par jour, par semaine ou par autre période en usage, doivent être établis à intervalles aussi fréquents et réguliers que possible sur la base des statistiques compilées en application de la présente Partie de la présente convention.

2. Pour l'établissement de ces nombres-indices, il doit être dûment tenu compte, entre autres éléments, de l'importance relative des différentes industries.

3. Dans la publication de ces nombres-indices, des indications doivent être données sur la méthode employée pour leur établissement.

PART III.—STATISTICS OF TIME RATES OF WAGES AND OF NORMAL HOURS
OF WORK IN MINING AND MANUFACTURING INDUSTRIES

Article 13

Statistics of time rates of wages and of normal hours of work of wage earners shall be compiled for a representative selection of the principal mining and manufacturing industries, including building and construction.

Article 14

1. The statistics of time rates of wages and of normal hours of work shall show the rates and hours:

- (a) fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards;
- (b) ascertained from organisations of employers and workers, from joint bodies, or from other appropriate sources of information, in cases where rates and hours are not fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards.

2. The statistics of time rates of wages and of normal hours of work shall indicate the nature and source of the information from which they have been compiled and whether it relates to rates or hours fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards, or to rates or hours fixed by arrangements between employers and wage earners individually.

3. When rates of wages are described as minimum (other than statutory minimum) rates, standard rates, typical rates, or prevailing rates, or by similar terms, the terms used shall be explained.

4. "Normal hours of work", where not fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards, shall be taken as meaning the number of hours, per day, week or other period, in excess of which any time worked is remunerated at overtime rates or forms an exception to the rules or custom of the establishment relating to the classes of wage earners concerned.

Article 15

1. The statistics of time rates of wages and of normal hours of work shall give:

- (a) at intervals of not more than three years, separate figures for the principal occupations in a wide and representative selection of the different industries; and
- (b) at least once a year, and if possible at shorter intervals, separate figures for the main occupations in the most important of these industries.

2. The data relating to time rates of wages and of normal hours of work shall be presented, so far as practicable, on the basis of the same occupational classification.

3. Where the sources of information from which the statistics are compiled do not indicate the separate occupations to which the rates or hours apply, but fix varying rates of wages or hours of work for other categories of works (such as skilled workers, semi-skilled workers and unskilled workers) or fix normal hours of work by classes of undertakings or branches or undertakings, the separate figures shall be given according to these distinctions.

PARTIE III.—STATISTIQUES DES TAUX DE SALAIRES AU TEMPS ET DES HEURES
DE TRAVAIL NORMALES DANS LES INDUSTRIES MINIÈRES ET MANUFACTURIÈRES

Article 13

Des statistiques sur les taux de salaires au temps et sur les heures de travail normales des ouvriers doivent être compilées à l'égard d'un choix représentatif des principales industries minières et manufacturières, y compris le bâtiment et la construction.

Article 14

1. Les statistiques des taux de salaires au temps et des heures de travail normales doivent donner les taux et les heures:

- (a) fixés par la législation, par accords collectifs, par sentences arbitrales, ou en application de ceux-ci;
- (b) obtenus des organisations d'employeurs et de travailleurs, des organismes mixtes ou d'autres sources d'information appropriées lorsque les taux et les heures ne sont pas fixés par la législation, par accords collectifs, par sentences arbitrales ou en application de ceux-ci.

2. Les statistiques des taux de salaires au temps et des heures de travail normales doivent indiquer la nature et la source des informations sur lesquelles elles reposent, et indiquer notamment s'il s'agit de taux ou d'heures fixés par la législation, par accords collectifs, par sentences arbitrales ou en application de ceux-ci, ou bien de taux ou d'heures fixés par accords individuels entre employeurs et travailleurs.

3. Lorsqu'il s'agit de taux de salaires désignés comme minima (autres que les minima légaux), standards, typiques ou courants, ou par des termes analogues, le sens de ces termes doit être expliqué.

4. Lorsque les "heures de travail normales" ne sont pas fixées par la législation, par accords collectifs, par sentences arbitrales ou en application de ceux-ci, cette expression désignera le nombre d'heures, par jour ou par semaine ou par toute autre période, au delà duquel tout travail effectué est rémunéré aux taux des heures supplémentaires ou constitue une exception aux règles ou usages de l'établissement, concernant les catégories d'ouvriers considérés.

Article 15

1. Les statistiques des taux de salaires au temps et des heures de travail normales doivent donner:

- (a) à des intervalles ne dépassant pas trois années, des chiffres distincts pour les principales professions dans un choix large et représentatif des diverses industries;
- (b) au moins une fois par année et si possible à des intervalles plus fréquents, des chiffres distincts pour quelques-unes des principales professions dans les plus importantes de ces industries.

2. Le données se rapportant aux taux de salaires au temps et aux heures de travail normales seront présentées, dans la mesure du possible, sur la base de la même classification professionnelle.

3. Des chiffres distincts doivent être donnés, pour chaque cas, lorsque les sources d'information d'après lesquelles les statistiques sont compilées n'indiquent pas les professions distinctes auxquelles s'appliquent les taux ou les heures, mais fixent différents taux de salaires ou heures de travail pour d'autres catégories de travailleurs (telles que ouvriers qualifiés, mi-qualifiés ou non qualifiés) ou fixent les heures de travail normales par genre d'entreprise ou branche d'entreprise.

4. Where the categories of workers for which figures are given are not separate occupations, the scope of each category shall, in so far as the necessary particulars are given in the sources of information from which the statistics are compiled, be indicated.

Article 16

Where the statistics of time rates do not give the rates per hour but give rates per day, week, or other customary period:

- (a) the statistics of normal hours of work shall relate to the same period; and
- (b) the Member shall communicate to the International Labour Office any information appropriate for the purpose of calculating the rates per hour.

Article 17

Where the sources of information from which the statistics are compiled give separate particulars classified by sex and age, the statistics of time rates of wages and of normal hours of work shall give separate figures for each sex and for adults and juveniles.

Article 18

Where the statistics of time rates of wages and of normal hours of work relate not to the whole country but to certain districts, towns or industrial centres, these districts, towns or centres shall, so far as practicable, be indicated.

Article 19

Where the sources of information from which the statistics of time rates and of normal hours of work are compiled contain such particulars, the statistics shall at intervals not exceeding three years indicate:

- (a) the scale of any payment for holidays;
- (b) the scale of any family allowances;
- (c) the rates of percentage additions to normal rates paid for overtime; and
- (d) the amount of overtime permitted.

Article 20

In the case of countries and industries in which allowances in kind, for example in the form of free and cheap housing, food or fuel form a substantial part of the total remuneration of the wage earners employed the statistics of time rates of wages shall be supplemented by particulars of such allowances, together with estimates, so far as practicable, of their money value.

Article 21

1. Annual index numbers showing the general movement of rates of wages per hour or per week shall be compiled on the basis of the statistics compiled in pursuance of this Part of this Convention, supplemented, where necessary, by any other relevant information which may be available (for example, particulars as to changes in piece-work rates of wages).

2. Where only an index number of rates of wages per hour or only an index number of rates of wages per week is compiled, there shall be compiled an index number of changes in normal hours of work constructed on the same basis.

4. Lorsque les catégories de travailleurs pour lesquels des données sont fournies ne correspondent pas à des professions distinctes, la désignation de chaque catégorie doit être indiquée dans la mesure où les indications nécessaires sont fournies dans les sources d'information d'après lesquelles les statistiques sont compilées.

Article 16

Lorsque les statistiques des taux de salaires au temps ne donnent pas les taux par heure, mais donnent les taux par jour, par semaine ou par toute autre période en usage:

- (a) les statistiques des heures de travail normales doivent se rapporter à la même période;
- (b) le Membre doit fournir au Bureau international du Travail toutes informations utiles en vue de calcul des taux par heure.

Article 17

Lorsque les sources d'information d'après lesquelles les statistiques sont compilées fournissent des données distinctes, classées par sexe et par âge, les statistiques des taux de salaires au temps et des heures de travail normales doivent donner des chiffres distincts pour chaque sexe et pour les adultes et les jeunes gens.

Article 18

Lorsque les statistiques des taux de salaires au temps et des heures de travail normales ne se rapportent pas au pays entier, mais seulement à certaines régions, villes ou centres industriels, ces régions, villes ou centres doivent, autant que possible, être indiqués.

Article 19

Lorsque les sources d'information, d'après lesquelles les statistiques des taux de salaires au temps et des heures de travail normales sont compilées, contiennent des indications à ce sujet, ces statistiques doivent, à des intervalles ne dépassant pas trois ans, indiquer:

- (a) les barèmes des paiements éventuels pour congés;
- (b) les barèmes des allocations familiales éventuelles;
- (c) les taux ou le pourcentage d'augmentation des taux normaux payés pour les heures supplémentaires;
- (d) le nombre d'heures supplémentaires permises.

Article 20

Dans les cas de pays et d'industries où des allocations en nature, par exemple sous la forme de logement, nourriture ou combustible gratuits ou à prix réduits, constituent une partie importante de la rémunération totale des ouvriers occupés, les statistiques des taux de salaires doivent être complétées par des indications sur ces allocations et, dans la mesure du possible, par une estimation de leur valeur en espèce.

Article 21

1. Des nombres-indices annuels montrant le mouvement général des taux salaires par heure ou par semaine doivent être établis sur la base des statistiques compilées en application de la présente Partie de la présente convention et complétés en cas de besoin par toute autre information disponible (par exemple, indications sur les variations dans les taux de salaires aux pièces).

2. Lorsqu'un seul nombre-indice des taux de salaires, soit par heure, soit par semaine, est établi, un nombre-indice des variations des heures de travail normales devra être établi sur la même base.

3. In compiling such index numbers due account shall be taken, *inter alia*, of the relative importance of the different industries.

4. In publishing such index numbers indications shall be given as to the methods employed in their construction.

PART IV.—STATISTICS OF WAGES AND HOURS OF WORK IN AGRICULTURE

Article 22

1. Statistics of wages shall be compiled in respect of wage earners engaged in agriculture.

2. The statistics of wages in agriculture shall:

- (a) be compiled at intervals not exceeding two years;
- (b) give separate figures for each of the principal districts; and
- (c) indicate the nature of the allowances in kind (including housing), if any, by which money wages are supplemented, and, if possible, an estimate of the money value of such allowances.

3. The statistics of wages in agriculture shall be supplemented by indications as to:

- (a) the categories of agricultural wage earners to which the statistics relate;
- (b) the nature and source of the information from which they have been compiled;
- (c) the methods employed in their compilation; and
- (d) so far as practicable, the normal hours of work of the wage earners concerned.

PART V.—MISCELLANEOUS PROVISIONS

Article 23

1. Any Member the territory of which includes large areas in respect of which, by reason of the difficulty of creating the necessary administrative organization and the sparseness of the population or the stage of economic development of the area, it is impracticable to compile statistics complying with the requirements of this Convention may exclude such areas from the application of this Convention in whole or in part.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of this Article and no Member shall, after the date of its first annual report, have recourse to the provisions of this Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of this Article.

Article 24

1. The Governing Body of the International Labour Office may, after taking such technical advice as it may deem appropriate, communicate to the

3. Pour l'établissement de ces nombres-indices, il doit être dûment tenu compte, entre autres éléments, de l'importance relative des différentes industries.

4. Dans la publication de ces nombres-indices, des indications doivent être données sur la méthode employée pour leur établissement.

**PARTIE IV.—STATISTIQUES DES SALAIRES ET DES HEURES DE TRAVAIL
DANS L'AGRICULTURE**

Article 22

1. Des statistiques de salaires concernant les ouvriers occupés dans l'agriculture doivent être compilées.

2. Les statistiques des salaires dans l'agriculture doivent:

- (a) être compilées à des intervalles ne dépassant pas deux ans;
- (b) donner des chiffres distincts pour chacune des principales régions;
- (c) indiquer, le cas échéant, le caractère des allocations en nature (y compris le logement) qui complètent les salaires en espèces et, autant que possible, une estimation de la valeur en espèces de ces allocations.

3. Les statistiques des salaires dans l'agriculture doivent être complétées par des informations sur:

- (a) les catégories d'ouvriers agricoles auxquelles les statistiques se rapportent;
- (b) la nature et la source des informations sur lesquelles elles reposent;
- (c) les méthodes utilisées pour leur compilation;
- (d) dans la mesure du possible, les heures de travail normales des ouvriers considérés.

PARTIE V.—DISPOSITIONS DIVERSES

Article 23

1. Lorsque le territoire d'un Membre comprend de vastes régions où, en raison des difficultés de créer les organismes administratifs nécessaires ou en raison du caractère clairsemé de la population ou encore de l'état de développement économique, il est impraticable de compiler des statistiques en application des dispositions de la présente convention, lesdites régions peuvent être exemptées de l'application de la convention en tout ou en partie.

2. Tout Membre doit indiquer, dans son premier rapport annuel à soumettre sur l'application de la présente convention en vertu de l'article 22 de la Constitution de l'Organisation internationale du Travail, toute région pour laquelle il se propose d'avoir recours aux dispositions du présent article. Par la suite, aucun Membre ne pourra recourir aux dispositions du présent article, sauf en ce qui concerne les régions qu'il aurait ainsi indiquées.

3. Tout Membre recourant aux dispositions du présent article doit indiquer, dans les rapports annuels ultérieurs, les régions pour lesquelles il renonce au droit de faire appel auxdites dispositions.

Article 24

1. Le Conseil d'administration du Bureau international du Travail peut, après avoir recueilli les avis techniques qui lui paraîtront appropriés, communiquer aux Membres de l'Organisation des propositions en vue d'améliorer et de

Members of the Organisation proposals for improving and amplifying the statistics compiled in pursuance of this Convention or for promoting their comparability.

2. Each Member ratifying this Convention undertakes that it will:
 - (a) submit for the consideration of its competent statistical authority any such proposals communicated to it by the Governing Body;
 - (b) indicate in its annual report upon the application of the Convention the extent to which it has given effect to such proposals.

PART VI.—FINAL PROVISIONS

Article 25

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

Article 26

1. This Convention shall be binding only upon Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 27

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 28

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, with the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 29

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall

développer les statistiques compilées en application de la présente convention, ou en vue d'arriver à leur comparabilité.

2. Tout Membre qui ratifie la présente convention s'engage:

- (a) à soumettre à l'examen de son autorité compétente en matière de statistique toute proposition de ce genre qui lui aura été transmise par le Conseil d'administration;
- (b) à indiquer dans son rapport annuel sur l'application de la convention la mesure dans laquelle il a donné suite à de telles propositions.

PARTIE VI.—DISPOSITIONS FINALES

Article 25

Les ratifications officielles de la présente convention seront communiquées au Secrétaire général de la Société des Nations et par lui enregistrées.

Article 26

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Secrétaire général.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Secrétaire général.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 27

Aussitôt que les ratifications de deux Membres de l'Organisation internationale du Travail auront été enregistrées, le Secrétaire général de la Société des Nations notifiera ce fait à tous les Membres de l'Organisation internationale du Travail. Il leur notifiera également l'enregistrement des ratifications qui lui seront ultérieurement communiquées par tous autres Membres de l'Organisation.

Article 28

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Secrétaire général de la Société des Nations, et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article sera lié pour une nouvelle période de dix années et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 29

A l'expiration de chaque période de dix années à compter de l'entrée en vigueur de la présente convention, le Conseil d'administration du Bureau inter-

present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 30

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 28 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 31

The French and English text of this Convention shall both be authentic.

The foregoing is the authentic text of the Draft Convention duly adopted by the General Conference of the International Labour Organisation during its Twenty-fourth Session which was held at Geneva and declared closed the 22nd day of June 1938.

IN FAITH WHEREOF we have appended our signatures this second day of August 1938.

The President of the Conference,

WALDEMAR FALCAO.

The Director of the International Labour Office,

HAROLD BUTLER.

national du Travail devra présenter à la Conférence générale un rapport sur l'application de la présente convention et décidera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.

Article 30

1. Au cas où la Conférence adopterait une nouvelle convention portant révision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement:

- (a) la ratification par un Membre de la nouvelle convention portant révision entraînerait de plein droit, nonobstant l'article 28 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant révision soit entrée en vigueur;
- (b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant révision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant révision.

Article 31

Les textes français et anglais de la présente convention feront foi l'un et l'autre.

Le texte qui précède est le texte authentique du projet de convention dûment adopté par la Conférence générale de l'Organisation internationale du Travail dans sa vingt-quatrième session qui s'est tenue à Genève et qui a été déclarée close le 22 juin 1938.

EN FOI DE QUOI ont apposé leurs signatures, le deux août 1938:

Le Président de la Conférence,

WALDEMAR FALCAO.

Le Directeur du Bureau international du Travail,

HAROLD BUTLER.

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(CANADA)

TREATY SERIES, 1946

No. 3

CONVENTION

CONCERNING THE

PROTECTION AGAINST ACCIDENTS OF WORKERS
EMPLOYED IN LOADING AND UNLOADING SHIPS
ADOPTED BY

THE INTERNATIONAL LABOUR CONFERENCE
ON THE 27th APRIL, 1932

(Canadian Ratification deposited on 6th April, 1946)

RECUEIL DES TRAITÉS 1946

N° 3

CONVENTION

CONCERNANT LA

PROTECTION CONTRE LES ACCIDENTS
DES TRAVAILLEURS OCCUPÉS AU CHARGEMENT
ET AU DÉCHARGEMENT DES BATEAUX

ADOPTÉE PAR LA

CONFÉRENCE INTERNATIONALE DU TRAVAIL
LE 27 AVRIL 1932

(La Ratification du Canada a été déposée le 6 avril 1946)



OTTAWA

EDMOND CLOUTIER

IMPRIMEUR DE SA TRÈS EXCELLENTE MAJESTÉ LE ROI
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CONVENTION CONCERNING THE PROTECTION AGAINST ACCIDENTS OF WORKERS EMPLOYED IN LOADING AND UNLOADING SHIPS (REVISED 1932).

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixteenth Session on 12 April 1932, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention concerning the protection against accidents of workers employed in loading or unloading ships adopted by the Conference at its Twelfth Session, which is the fourth item on the Agenda of the Session, and

Considering that these proposals must take the form of a Draft International Convention,

adopts, this twenty-seventh day of April of the year one thousand nine hundred and thirty-two, the following Draft Convention for ratification by the Members of the International Labour Organization, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace:

Article 1

For the purpose of this Convention:

(1) the term "processes" means and includes all or any part of the work performed on shore or on board ship of loading or unloading any ship whether engaged in maritime or inland navigation, excluding ships of war, in, on, or at any maritime or inland port, harbour, dock, wharf, quay or similar place at which such work is carried on; and

(2) the term "worker" means any person employed in the processes.

Article 2

Any regular approach over a dock, wharf, quay or similar premises which workers have to use for going to or from a working place at which the processes are carried on and every such working place on shore shall be maintained with due regard to the safety of the workers using them.

In particular,

(1) every said working place on shore and any dangerous parts of any said approach thereto from the nearest highway shall be safely and efficiently lighted;

(2) wharves and quays shall be kept sufficiently clear of goods to maintain a clear passage to the means of access referred to in Article 3;

(3) where any space is left along the edge of any wharf or quay, it shall be at least 3 feet (90 cm.) wide and clear of all obstructions other than fixed structures, plant and appliances in use; and

CONVENTION CONCERNANT LA PROTECTION DES TRAVAILLEURS OCCUPÉS AU CHARGEMENT ET AU DÉCHARGEMENT DES BATEAUX CONTRE LES ACCIDENTS (REVISÉE EN 1932).

La Conférence générale de l'Organisation internationale du Travail de la Société des Nations,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 12 avril 1932 en sa seizeième session,

Après avoir décidé d'adopter diverses propositions relatives à la révision partielle de la convention concernant la protection des travailleurs occupés au chargement et au déchargement des bateaux contre les accidents adoptée par la Conférence à sa douzième session, question qui constitue le quatrième point de l'ordre du jour de la session, et

Considérant que ces propositions doivent prendre la forme d'un projet de convention internationale,

adopte, ce vingt-septième jour d'avril mil neuf cent trente deux, le projet de convention ci-après, à ratifier par les Membres de l'Organisation internationale du Travail, conformément aux dispositions de la Partie XIII du Traité de Versailles et des Parties correspondantes des autres Traités de Paix:

Article 1

Aux fins de la présente convention:

(1) le terme "opérations" signifie et comprend tout ou partie du travail effectué, à terre ou à bord, pour le chargement ou le déchargement de tout bateau affecté à la navigation maritime ou intérieure, à l'exclusion des bâtiments de guerre, dans tout port maritime ou intérieur, sur tout dock, wharf, quai ou autre endroit analogue où ce travail est effectué; et

(2) le terme "travailleur" comprend toute personne employée aux dites opérations.

Article 2

Toutes voies d'accès régulières passant par un bassin, wharf, quai ou autre lieu semblable et que les travailleurs ont à utiliser pour se rendre à l'emplacement de travail où sont effectuées les opérations ou pour en revenir, ainsi que tous emplacements de travail situés à terre, devront être maintenus dans un état propre à assurer la sécurité des travailleurs qui les utilisent.

En particulier,

(1) tous lieux de travail à terre et toutes parties dangereuses des voies d'accès précitées y conduisant à partir du chemin public le plus proche, devront être pourvus d'un éclairage efficace et sans danger;

(2) les wharfs et les quais seront suffisamment débarrassés de marchandises pour maintenir un libre passage vers les moyens d'accès visés à l'article 3;

(3) lorsqu'un passage est laissé le long du bord du quai ou du wharf, il devra avoir au moins 90 centimètres de large (3 pieds) et être libre de tous obstacles autres que les constructions fixes, les appareils et les engins en usage;

(4) so far as is practicable having regard to the traffic and working,

(a) all dangerous parts of the said approaches and working places (e.g. dangerous breaks, corners and edges) shall be adequately fenced to a height of not less than 2 feet 6 inches (75 cm.);

(b) dangerous footways over bridges, caissons and dock gates shall be fenced to a height of not less than 2 feet 6 inches (75 cm.) on each side, and the said fencing shall be continued at both ends to a sufficient distance which shall not be required to exceed 5 yards (4 m. 50).

(5) The measurement requirements of paragraph (4) of this Article shall be deemed to be complied with, in respect of appliances in use at the date of the ratification of this Convention, if the actual measurements are not more than 10 per cent. less than the measurements specified in the said paragraph (4).

Article 3

(1) When a ship is lying alongside a quay or some other vessel for the purpose of the processes, there shall be safe means of access for the use of the workers at such times as they have to pass to or from the ship, unless the conditions are such that they would not be exposed to undue risk if no special appliance were provided.

(2) The said means of access shall be:

(a) where reasonably practicable, the ship's accommodation ladder, a gangway or a similar construction;

(b) in other cases a ladder

(3) The appliances specified in paragraph (2) (a) of this Article shall be at least 22 inches (55 cm.) wide, properly secured to prevent their displacement, not inclined at too steep an angle, constructed of materials of good quality and in good condition, and securely fenced throughout to a clear height of not less than 2 feet 9 inches (82 cm.) on both sides, or in the case of the ship's accommodation ladder securely fenced to the same height on one side, provided that the other side is properly protected by the ship's side.

Provided that any appliances as aforesaid in use at the date of the ratification of this Convention shall be allowed to remain in use:

(a) until the fencing is renewed if they are fenced on both sides to a clear height of at least 2 feet 8 inches (80cm.);

(b) for two years from the date of ratification if they are fenced on both sides to a clear height of at least 2 feet 6 inches (75 cm.).

(4) The ladders specified in paragraph (2) (b) of this Article shall be of adequate length and strength, and properly secured.

(5) (a) Exceptions to the provisions of this Article may be allowed by the competent authorities when they are satisfied that the appliances specified in the Article are not required for the safety of the workers.

(4) dans la mesure où ce sera praticable, eu égard au trafic et au service,

(a) toutes parties dangereuses de ces voies d'accès et lieux de travail (par exemple: ouvertures, tournants et bords dangereux) devront être munis de garde-corps appropriés d'une hauteur d'au moins 75 centimètres (2 pieds 6 pouces);

(b) les passages dangereux sur les ponts, caissons et vannes de bassin devront être munis de chaque côté, jusqu'à une hauteur d'au moins 75 centimètres (2 pieds 6 pouces) de garde-corps continués à chaque extrémité, sur une longueur suffisante qui n'aura pas à dépasser 4 m. 50 (5 yards).

(5) Les conditions de dimensions prévues par le paragraphe 4 du présent article seront considérées comme satisfaites, en ce qui concerne les engins en usage à la date de la ratification de la présente convention, si les chiffres des mesures effectivement réalisées ne sont pas inférieurs de plus de 10 pour cent aux chiffres mentionnés dans ledit paragraphe 4.

Article 3

(1) Lorsqu'un bateau est mouillé près d'un quai ou d'un autre bâtiment en vue des opérations à effectuer, des moyens d'accès offrant des garanties de sécurité devront être à la disposition des travailleurs pour se rendre sur le bateau ou en revenir, à moins que les circonstances soient telles qu'ils puissent le faire, en l'absence de dispositifs spéciaux, sans être exposés inutilement à des risques d'accidents.

(2) Ces moyens d'accès devront consister:

- (a) lorsque ce sera raisonnablement praticable, en l'échelle de coupée du bateau, en une passerelle ou un dispositif analogue;
- (b) dans les autres cas, en une échelle.

(3) Les dispositifs spécifiés à la lettre (a) du paragraphe (2) du présent article devront avoir une largeur d'au moins 55 centimètres (22 pouces); ils devront être solidement fixés de façon à ne pouvoir se déplacer; leur inclinaison ne devra pas être trop forte et les matériaux employés pour leur construction devront être de bonne qualité et en bon état; ils devront être munis des deux côtés sur toute leur longueur d'un garde-corps efficace d'une hauteur nette d'au moins 82 centimètres (2 pieds 9 pouces) ou, s'il s'agit de l'échelle de coupée, munis d'un garde-corps efficace de la même hauteur d'un seul côté à la condition que l'autre côté soit efficacement protégé par le flanc du bateau.

Toutefois, tous dispositifs de cette nature en usage à la date de la ratification de la présente convention pourront rester en service:

- (a) pour ceux qui sont munis sur les deux côtés de garde-corps d'une hauteur nette d'au moins 80 centimètres (2 pieds 8 pouces), jusqu'à ce que ceux-ci soient renouvelés;
- (b) pour ceux qui sont munis sur les deux côtés de garde-corps d'une hauteur nette d'au moins 75 centimètres (2 pieds 6 pouces, pendant deux années à dater de la ratification de la présente convention).

(4) Les échelles spécifiées à la lettre (b) du paragraphe (2) du présent article seront d'une longueur et d'une solidité suffisantes et convenablement assujetties.

(5) (a) Des dérogations aux dispositions du présent article pourront être accordées par les autorités compétentes chaque fois qu'elles estimeraient que les dispositifs spécifiés ne sont pas indispensables à la sécurité des travailleurs.

(b) The provisions of this Article shall not apply to cargo states or cargo gangways when exclusively used for the processes.

(6) Workers shall not use, or be required to use, any other means of access than the means specified or allowed by this Article.

Article 4

When the workers have to proceed to or from a ship by water for the processes, appropriate measures shall be prescribed to ensure their safe transport, including the conditions to be complied with by the vessels used for this purpose.

Article 5

(1) When the workers have to carry on the processes in a hold the depth of which from the level of the deck to the bottom of the hold exceeds 5 feet (1 m. 50), there shall be safe means of access from the deck to the hold for their use.

(2) The said means of access shall ordinarily be by ladder, which shall not be deemed to be safe unless it complies with the following conditions:

- (a) provides foothold of a depth, including any space behind the ladder, of not less than $4\frac{1}{2}$ inches ($11\frac{1}{2}$ cm.) for a width of not less than 10 inches (25 cm.) and a firm handhold;
- (b) is not recessed under the deck more than is reasonably necessary to keep it clear of the hatchway;
- (c) is continued by and is in line with arrangements for secure handhold and foothold on the coamings (e.g., cleats or cups);
- (d) the said arrangements on the coamings provide foothold of a depth, including any space behind the said arrangements of not less than $4\frac{1}{2}$ inches ($11\frac{1}{2}$ cm.) for a width of not less than 10 inches (25 cm.);
- (e) if separate ladders are provided between the lower decks, the said ladders are as far as practicable in line with the ladder from the top deck.

Where, however, owing to the construction of the ship, the provision of a ladder would not be reasonably practicable, it shall be open to the competent authorities to allow other means of access, provided that they comply with the conditions laid down in this Article for ladders so far as they are applicable.

In the case of ships existing at the date of the ratification of this Convention the measurement requirements of sub-paragraphs (a) and (d) of this paragraph shall be deemed to be complied with, until the ladders and arrangements are replaced, if the actual measurements are not more than 10 per cent less than the measurements specified in the said paragraphs (a) and (d).

(3) Sufficient free passage to the means of access shall be left at the coamings.

(4) Shaft tunnels shall be equipped with adequate handhold and foothold on both sides.

(b) Les dispositions du présent article ne s'appliqueront pas aux plate-formes ou passerelles de manutention lorsqu'elles sont exclusivement employées pour les opérations.

(6) Les travailleurs ne devront pas utiliser et ne pourront être tenus d'utiliser d'autres moyens d'accès que ceux qui sont spécifiés ou autorisés par le présent article.

Article 4

Pour le cas où les travailleurs doivent se rendre par eau sur un bateau ou en revenir à l'occasion des opérations, des mesures appropriées devront être prévues pour assurer la sécurité de leur transport y compris la détermination des conditions auxquelles doivent satisfaire les embarcations utilisées pour ce transport.

Article 5

(1) Lorsque les travailleurs ont à effectuer les opérations dans des cales dont le fond est situé à plus de 1 m. 50 (5 pieds) du niveau du pont, des moyens d'accès offrant des garanties de sécurité devront être mis à leur disposition.

(2) Ces moyens d'accès consisteront ordinairement en une échelle et celle-ci ne sera considérée comme présentant des garanties de sécurité que:

- (a) si elle offre aux pieds un appui dont la profondeur augmentée de l'espace derrière l'échelle est d'au moins 11 cm. $\frac{1}{2}$ (4 pouces $\frac{1}{2}$) pour une largeur d'au moins 25 cm. (10 pouces) et aux mains un appui solide;
- (b) si elle n'est pas placée en retrait sous le pont plus qu'il n'est raisonnablement nécessaire pour qu'elle n'empiète pas sur les écoutilles;
- (c) si elle est continuée par et est dans la même ligne que des dispositifs offrant un appui solide aux pieds et aux mains, placés sur les surbaux des écoutilles (par exemple des taquets ou tasseaux);
- (d) si les dispositifs visés à l'alinéa précédent offrent aux pieds un appui dont la profondeur augmentée de l'espace derrière ces dispositifs est d'au moins 11 cm. $\frac{1}{2}$ (4 pouces $\frac{1}{2}$) pour une largeur d'au moins 25 cm. (10 pouces);
- (e) si, au cas où il existe des échelles distinctes entre les ponts inférieurs échelles sont, dans la mesure du possible, dans la même ligne que l'échelle partant du pont supérieur.

Toutefois, lorsqu'en raison de la construction du bateau, on ne pourrait raisonnablement exiger l'installation d'une échelle, les autorités compétentes auront la faculté d'autoriser d'autres moyens d'accès, à la condition que ces moyens d'accès remplissent, dans la mesure où elles sont applicables, les conditions prescrites pour les échelles par le présent article.

Dans le cas des bateaux existant à la date de la ratification de la présente convention et jusqu'au remplacement des échelles et dispositifs, les conditions de dimensions prévues par les alinéas (a) et (d) du présent paragraphe seront considérées comme satisfaites si les chiffres des mesures effectivement réalisées ne sont pas inférieurs de plus de 10 pour cent aux chiffres mentionnés dans lesdits alinéas (a) et (d).

(3) Un espace suffisant pour permettre d'atteindre les moyens d'accès devra être laissé libre près des surbaux des écoutilles.

(4) Les tunnels des arbres devront être munis des deux côtés de poignées et d'appuie-pieds appropriés.

(5) When a ladder is to be used in the hold of a vessel which is not decked it shall be the duty of the contractor undertaking the processes to provide such ladder. It shall be equipped at the top with hooks or with other means for firmly securing it.

(6) The workers shall not use, or be required to use, other means of access than the means specified or allowed by this Article.

(7) Ships existing at the date of ratification of this Convention shall be exempt from compliance with the measurements in paragraph (2) (a) and (d) and from the provisions of paragraph (4) of this Article for a period not exceeding four years from the date of ratification of this Convention.

Article 6

(1) While the workers are on a ship for the purpose of the processes, every hatchway of a cargo hold accessible to the workers, which exceeds 5 feet (1 m. 50) in depth from the level of the deck to the bottom of the hold, and which is not protected to a clear height of 2 feet 6 inches (75 cm.) by the coamings, shall, when not in use for the passage of goods, coal or other material, either be securely fenced to a height of 3 feet (90 cm.) or be securely covered. National laws or regulations shall determine whether the requirements of this paragraph shall be enforced during meal times and other short interruptions of work.

(2) Similar measures shall be taken when necessary to protect all other openings in a deck which might be dangerous to the workers.

Article 7

When the processes have to be carried on a ship, the means of access thereto and all places on board at which the workers are employed or to which they may be required to proceed in the course of their employment shall be efficiently lighted.

The means of lighting shall be such as not to endanger the safety of the workers nor to interfere with the navigation of other vessels.

Article 8

In order to ensure the safety of the workers when engaged in removing or replacing hatch coverings and beams used for hatch coverings,

(1) hatch coverings and beams used for hatch coverings shall be maintained in good condition;

(2) hatch coverings shall be fitted with adequate hand grips, having regard to their size and weight, unless the construction of the hatch or the hatch coverings is of a character rendering the provision of hand grips unnecessary;

(3) beams used for hatch coverings shall have suitable gear for removing and replacing them of such a character as to render it unnecessary for workers to go upon them for the purpose of adjusting such gear;

(4) all hatch coverings and fore and aft and thwart-ship beams shall, in so far as they are not interchangeable, be kept plainly marked to indicate the deck and hatch to which they belong and their position therein;

(5) Lorsqu'une échelle devra être utilisée dans la cale d'un bateau non ponté, il appartiendra à l'entrepreneur des opérations de fournir cette échelle. Elle devra être munie à sa partie supérieure de crochets ou d'autres dispositifs permettant de la fixer solidement.

(6) Les travailleurs ne pourront utiliser ni être tenus d'utiliser des moyens d'accès autres que ceux qui sont spécifiés ou autorisés dans le présent article.

(7) Les bateaux existant à la date de la ratification de la présente convention seront exemptés des conditions de dimensions imposées par les dispositions du paragraphe 2 (alinéas a et d) et des prescriptions du paragraphe 4 du présent article, pendant un délai n'excédant pas quatre ans à partir de la date de cette ratification.

Article 6

(1) Pendant que les travailleurs sont à bord du bateau pour effectuer les opérations, toute écoutille de cale de marchandises accessible aux travailleurs, dont la profondeur, mesurée depuis le niveau du pont jusqu'au fond de la cale, dépasse 1 m. 50 (5 pieds) et qui n'est pas protégée jusqu'à une hauteur nette d'au moins 75 cm. (2 pieds 6 pouces) par les surbaux, devra, lorsqu'elle n'est pas utilisée pour le passage de marchandises, de charbon ou d'autres matériaux, être entourée d'un garde-corps efficace jusqu'à une hauteur de 90 cm. (3 pieds) ou être efficacement fermée. La législation nationale décidera si les dispositions du présent paragraphe doivent être appliquées pendant la durée des repas et d'autres courtes interruptions de travail.

(2) Des mesures semblables seront prises en cas de besoin pour protéger toutes autres ouvertures dans le pont qui pourraient présenter un danger pour les travailleurs.

Article 7

Lorsque les opérations doivent être effectuées à bord d'un bateau, les moyens d'accès à ce bateau ainsi que tous les endroits du bord où les travailleurs sont occupés ou peuvent être appelés à se rendre au cours de leur occupation devront être efficacement éclairés.

Les moyens d'éclairage utilisés devront être tels qu'ils ne puissent mettre en danger la sécurité des travailleurs, ni gêner la navigation d'autres bateaux.

Article 8

En vue d'assurer la sécurité des travailleurs lorsqu'ils sont occupés à enlever ou à mettre en place les panneaux d'écouilles ainsi que les barrots et galiotes servant à couvrir les écoutilles,

(1) les panneaux d'écouilles ainsi que les barrots et galiotes servant à couvrir les écoutilles seront entretenus en bon état;

(2) les panneaux d'écouilles seront munis de poignées appropriées à leur dimension et à leur poids, à moins que la construction de l'écouille ou des panneaux d'écouilles soit telle qu'elle rende des poignées inutiles;

(3) les barrots et galiotes servant à couvrir les écoutilles seront munis, pour leur enlèvement et remise en place, de dispositifs tels que les travailleurs n'aient pas besoin de monter sur ces barrots et galiotes pour y fixer les dispositifs dont il s'agit;

(4) tous les panneaux d'écouilles, barrots et galiotes devront, pour autant qu'ils ne sont pas interchangeables, être marqués clairement pour indiquer le pont et l'écouille auxquels ils appartiennent ainsi que leur position sur ceux-ci;

(5) hatch coverings shall not be used in the construction of cargo stages or for any other purpose which may expose them to damage.

Article 9

Appropriate measures shall be prescribed to ensure that no hoisting machine, or gear, whether fixed or loose, used in connection therewith, is employed in the processes on shore or on board ship unless it is in a safe working condition.

In particular,

(1) before being taken into use, the said machines, fixed gear on board ship accessory thereto as defined by national laws or regulations, and chains and wire ropes used in connection therewith, shall be adequately examined and tested, and the safe working load thereof certified, in the manner prescribed and by a competent person acceptable to the national authorities;

(2) after being taken into use, every hoisting machine, whether used on shore or on board ship, and all fixed gear on board ship accessory thereto as defined by national laws or regulations shall be thoroughly examined or inspected as follows:

(a) to be thoroughly examined every four years and inspected every twelve months: derricks, goose necks, mast bands, derrick bands, eye-bolts, spans and any other fixed gear the dismantling of which is specially difficult;

(b) to be thoroughly examined every twelve months: all hoisting machines (e.g. cranes, winches), blocks, shackles and all other accessory gear not included in (a).

All loose gear (e.g. chains, wire ropes, rings, hooks) shall be inspected on each occasion before use unless they have been inspected within the previous three months.

Chains shall not be shortened by tying knots in them and precautions shall be taken to prevent injury to them from sharp edges.

A thimble or loop splice made in any wire rope shall have at least three trucks with a whole strand of rope and two tucks with one half of the wires cut out of each strand; provided that this requirement shall not operate to prevent the use of another form of splice which can be shown to be as efficient as the form hereby prescribed.

(3) Chains and such similar gear as is specified by national laws or regulations (e.g. hooks, rings, shackles, swivels) shall, unless they have been subjected to such other sufficient treatment as may be prescribed by national laws or regulations, be annealed as follows under the supervision of a competent person acceptable to the national authorities:

(a) In the case of chains and the said gear carried on board ship:

(i) half inch ($12\frac{1}{2}$ mm.) and smaller chains or gear in general use once at least in every six months;

(ii) all other chains or gear (including span chains but excluding bridle chains attached to derricks or masts) in general use once at least in every twelve months;

(5) les panneaux d'écouilles ne pourront être employés pour la construction de plateformes servant à la manutention de la cargaison, ni pour tout autre but qui les exposerait à être endommagés.

Article 9

Des mesures appropriées seront prises pour que les appareils de levage ainsi que tous engins accessoires, fixes ou mobiles, ne soient employés pour les opérations, à terre ou à bord d'un bateau, que s'ils se trouvent en état de fonctionner sans danger.

En particulier,

(1) avant leur mise en service, lesdits appareils et les engins fixes à bord considérés comme leurs accessoires par les législations nationales ainsi que les chaînes et câbles métalliques dont l'usage est lié à leur fonctionnement, devront, par les soins d'une personne compétente admise par les autorités nationales et dans les conditions prescrites, être dûment vérifiés et essayés et leur maximum de charge être attesté par un certificat;

(2) après sa mise en service, tout appareil de levage utilisé à terre ou à bord, et tous engins fixes à bord considérés comme ses accessoires par les législations nationales, sera examiné à fond ou inspecté dans les conditions suivantes:

(a) seront examinés à fond, tous les quatre ans et inspectés tous les douze mois: les mâts de charge, pivots et colliers de mâts et de mâts de charge, œillets, pantoires, et tous autres engins fixes dont le démontage est particulièrement difficile;

(b) seront examinés à fond tous les douze mois: tous appareils de levage (tels que les grues, treuils), moulfes, manilles et tous autres engins accessoires qui ne seront pas visés sous la lettre (a).

Tous engins mobiles (par exemple les chaînes, câbles métalliques, anneaux crochets) feront l'objet d'une inspection préalable, chaque fois qu'ils seront mis en usage,—sauf dans le cas où ils auraient été inspectés depuis moins de trois mois.

Les chaînes ne devront pas être raccourcies au moyen de nœuds, et des précautions seront prises pour éviter qu'elles ne soient endommagées par frottement contre des arêtes vives.

Les œillets ou épissures des câbles métalliques devront comporter au moins trois tours avec un toron entier du câble et deux tours avec la moitié des fils coupés dans chaque toron. Toutefois, cette prescription ne devra pas avoir pour effet d'empêcher l'usage d'une autre forme d'épissure d'une efficacité aussi évidente que celle qui est stipulée par la présente disposition.

(3) Les chaînes et tels engins similaires que spécifient les législations nationales (par exemple les crochets, anneaux, boucles, émerillons) devront, à moins qu'ils n'aient été soumis à tel autre traitement suffisant que peuvent prescrire ces législations nationales, être recuits dans les conditions ci-après, sous le contrôle d'une personne compétente admise par les autorités nationales:

(a) Chaînes et engins précités qui sont à bord du bateau:

(i) chaînes et engins régulièrement utilisés de 12 millimètres et demi (un demi-pouce) ou moins, une fois tous les six mois;

(ii) tous autres chaînes et engins (y compris les chaînes de pantoire, mais à l'exclusion des chaînes-brides attachées aux mâts de charge ou aux mâts) régulièrement utilisés, une fois tous les douze mois;

Toutefois, dans le cas des engins de cette nature utilisés exclusivement sur les grues et autres appareils de levage à main, l'intervalle prévu au sous-paragraphe 1, sera de douze mois au lieu de six et l'inter-

Provided that in the case of such gear used solely on cranes and other hoisting appliances worked by hand, twelve months shall be substituted for six months in sub-paragraph (i) and two years for twelve months in sub-paragraph (ii);

Provided also that, if the competent authority is of opinion that owing to the size, design, material or infrequency of use of any of the said gear the requirements of this paragraph as to annealing are not necessary for the protection of the workers, it may, by certificate in writing (which it may at its discretion revoke), exempt such gear from the said requirements subject to such conditions as may be specified in the said certificate.

(b) In the case of chains and the said gear not carried on board ship:

Measures shall be prescribed to secure the annealing of the said chains and gear.

(c) In the case of the said chains and gear whether carried on board ship or not, which have been lengthened, altered or repaired by welding, they shall thereupon be tested and re-examined.

(4) Such duly authenticated records as will provide sufficient *prima facie* evidence of the safe condition of the machines and gear concerned shall be kept, on shore or on the ship as the case may be, specifying the safe working load and the dates and results of the tests and examinations referred to in paragraphs (1) and (2) of this Article and of the annealings or other treatment referred to in paragraph (3).

Such records shall, on the application of any person authorized for the purpose, be produced by the person in charge thereof.

(5) The safe working load shall be kept plainly marked on all cranes, derricks and chain slings and on any similar hoisting gear used on board ship as specified by national laws or regulations. The safe working load marked on chain slings shall either be in plain figures or letters upon the chains or upon a tablet or ring of durable material attached securely thereto.

(6) All motors, cogwheels, chain and friction gearing, shafting, live electric conductors and steam pipes shall (unless it can be shown that by their position and construction they are equally safe to every worker employed as they would be if securely fenced) be securely fenced so far as is practicable without impeding the safe working of the ship.

(7) Cranes and winches shall be provided with such means as will reduce to a minimum the risk of the accidental descent of a load while in process of being lifted or lowered.

(8) Appropriate measures shall be taken to prevent exhaust steam from and, so far as practicable, live steam to any crane or winch obscuring any part of the working place at which a worker is employed.

(9) Appropriate measures shall be taken to prevent the foot of a derrick being accidentally lifted out of its socket or support.

Article 10

Only sufficiently competent and reliable persons shall be employed to operate lifting or transporting machinery whether driven by mechanical power or otherwise, or to give signals to a driver of such machinery or to attend to cargo falls on winch ends or winch drums.

valle prévu au sous-paragraphe 2, sera de deux ans au lieu de douze mois;

De même, dans le cas où l'autorité compétente estime, en raison des dimensions, de la structure, des matériaux ou de la rareté d'utilisation de tous engins précités, que l'observation des prescriptions du présent paragraphe concernant les recuissons n'est pas nécessaire pour la protection des travailleurs, cette autorité peut, au moyen d'un certificat écrit (qu'elle peut révoquer à son gré), exempter ces engins de l'application desdites prescriptions, sous réserve des conditions qui peuvent être fixées dans le certificat.

(b) Chaînes et engins précités qui ne sont pas à bord:

Des mesures seront prévues pour assurer la recuisson de ces chaînes et engins.

(c) Chaînes et engins précités qui sont ou non à bord:

Les chaînes et engins qui auront été rallongés, modifiés ou réparés par soudure devront être essayés et vérifiés de nouveau.

(4) On conservera à terre ou à bord, suivant les cas, des procès-verbaux dûment authentiques qui constitueront une présomption suffisante de la sécurité du fonctionnement des appareils et des engins dont il s'agit; ces procès-verbaux devront indiquer le maximum de charge autorisé, ainsi que la date et le résultat des essais et vérifications visés aux paragraphes (1) et (2) du présent article et des recuissons ou autres traitements visés au paragraphe (3).

Ces procès-verbaux devront être présentés par la personne qui en est chargée à la demande de toute personne qualifiée à cet effet.

(5) On devra marquer et maintenir sur toutes les grues, mâts de charge et chaînes d'élingues, ainsi que sur tous engins de levage similaires utilisés à bord, tels qu'ils sont spécifiés par les législations nationales, l'indication distincte du maximum de charge autorisé. Le maximum de charge indiqué sur les chaînes elles-mêmes ou bien sur une plaque ou anneau en matière durable solidement attaché à ces chaînes.

(6) Tous les moteurs, roues dentées, appareils de transmission à chaîne ou à frottement, conducteurs électriques sous tension et tuyaux de vapeur devront (à moins qu'il ne soit prouvé que par leur position ou leur construction ils présentent, du point de vue de la sécurité de tous les travailleurs employés, les mêmes garanties que s'ils étaient efficacement protégés) être munis de dispositifs de protection dans la mesure où cela est pratiquement réalisable sans nuire à la sécurité de la manœuvre du bateau.

(7) Les grues et les treuils devront être pourvus de moyens propres à réduire au minimum le risque de la chute accidentelle de la charge pendant qu'ils l'enlèvent ou qu'ils l'abaissent.

(8) Des mesures appropriées devront être prises pour empêcher la vapeur d'échappement et, dans la mesure du possible, la vapeur vive de tout treuil ou grue de gêner la visibilité en tout lieu de travail où un travailleur est occupé.

(9) Des mesures appropriées devront être prises pour empêcher l'enlèvement involontaire du pied d'un mât de charge de son support.

Article 10

Seules les personnes suffisamment compétentes et dignes de confiance devront être employées à la conduite des appareils de levage ou de transport, qu'ils soient mis mécaniquement ou d'une autre façon, ou à faire des signaux aux conducteurs de ces appareils, ou encore à surveiller le cartahu actionné par les tambours ou poupees de treuils.

Article 11

(1) No load shall be left suspended from any hoisting machine unless there is a competent person actually in charge of the machine while the load is so left.

(2) Appropriate measures shall be prescribed to provide for the employment of a signaller where this is necessary for the safety of the workers.

(3) Appropriate measures shall be prescribed with the object of preventing dangerous methods of working in the stacking, unstacking, stowing and unstowing of cargo, or handling in connection therewith.

(4) Before work is begun at a hatch the beams thereof shall either be removed or be securely fastened to prevent their displacement.

(5) Precautions shall be taken to facilitate the escape of the workers when employed in a hold or on 'tween decks in dealing with coal or other bulk cargo.

(6) No stage shall be used in the processes unless it is substantially and firmly constructed, adequately supported and where necessary securely fastened.

No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.

Stages shall where necessary be treated with suitable material to prevent the workers slipping.

(7) When the working space in a hold is confined to the square of the hatch, and except for the purpose of breaking out or making up slings,

(a) hooks shall not be made fast in the hands or fastenings of bales of cotton, wool, cork, gunny-bags, or other similar goods;

(b) can-hooks shall not be used for raising or lowering a barrel when, owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe.

(8) No gear of any description shall be loaded beyond the safe working load save in exceptional cases and then only in so far as may be allowed by national laws or regulations.

(9) In the case of shore cranes with varying capacity (e.g. raising and lowering jib with load capacity varying according to the angle) an automatic indicator or a table showing the safe working loads at the corresponding inclinations of the jib shall be provided on the crane.

Article 12

National laws or regulations shall prescribe such precautions as may be deemed necessary to ensure the proper protection of the workers, having regard to the circumstances of each case, when they have to deal with or work in proximity to goods which are in themselves dangerous to life or health by reason either of their inherent nature or of their condition at the time, or work where such goods have been stowed.

Article 11

(1) Aucune charge ne devra rester suspendue à un appareil de levage si la marche de cet appareil n'est pas sous le contrôle effectif d'une personne compétente pendant que la charge est ainsi suspendue.

(2) Des mesures appropriées devront être prévues pour qu'une personne soit chargée de faire des signaux si sa présence est nécessaire à la sécurité des travailleurs.

(3) Des mesures appropriées devront être prévues pour éviter qu'on emploie des méthodes de travail dangereuses dans l'empilement ou le désen tassem ent, l'ar-rimage ou le désarrimage de la cargaison, ou la manutention qui s'y rapporte.

(4) Avant de mettre en usage une écoutille, on devra enlever tous les barrots et galioles ou les assujettir solidement pour éviter qu'ils se déplacent.

(5) Toutes précautions devront être prises pour que les travailleurs puissent facilement évacuer les cales ou les entrepôts lorsqu'ils y sont occupés à charger ou décharger du charbon ou d'autres cargaisons en vrac.

(6) Aucune plate-forme ne sera utilisée pour les opérations si elle n'est pas fortement et solidement construite, convenablement étayée et, dans les cas où c'est nécessaire, solidement fixée.

Pour le transport de la charge entre le navire et la terre, on ne pourra faire usage d'un chariot à bras dans le cas où la plate-forme est inclinée au point de présenter un danger.

Les plate-formes devront, si cela est nécessaire, être recouvertes d'une matière appropriée pour empêcher les travailleurs de glisser.

(7) Lorsque l'espace de travail dans une cale est limité au carré de l'écoutille, on ne devra pas, sauf dans le but d'amorcer le désarrimage ou pour rassembler la charge dans l'élingue:

- (a) fixer des crochets aux liens ou autres attaches entourant les balles de coton, laine, liège, sacs de jute ou autres marchandises similaires;
- (b) employer des griffes à tonneaux lors du chargement et du décharge-ment des tonneaux, à moins que la construction et la nature des tonneaux ainsi que la disposition et l'état des griffes permettent de le faire sans danger probable.

(8) Aucun engin de levage quel qu'il soit ne devra être chargé au delà du maximum de charge autorisé, sauf dans des cas exceptionnels et, dans ces cas, seulement dans la mesure autorisée par la législation nationale.

(9) Les grues utilisées à terre et à puissance variable (par exemple par relèvement ou abaissement de la flèche, la capacité de charge variant suivant l'angle) devront être munies d'un indicateur automatique ou d'un tableau indiquant les maximums de charge correspondant aux inclinaisons de la flèche.

Article 12

Les législations nationales devront prévoir les précautions considérées comme indispensables pour assurer convenablement la protection des travailleurs, en tenant compte des circonstances de chaque cas particulier, quand ils ont à tra-vailier au contact ou à proximité de matières qui sont dangereuses pour leur vie ou leur santé, soit par leur nature même, soit à cause de l'état dans lequel elles se trouvent à ce moment, ou quand ils ont à travailler dans des endroits où de telles matières ont séjourné.

Article 13

At docks, wharves, quays and similar places which are in frequent use for the processes, such facilities as having regard to local circumstances shall be prescribed by national laws or regulations shall be available for rapidly securing the rendering of first-aid and in serious cases of accident removal to the nearest place of treatment. Sufficient supplies of first-aid equipment shall be kept permanently on the premises in such a condition and in such positions as to be fit and readily accessible for immediate use during working hours. The said supplies shall be in charge of a responsible person or persons, who shall include one or more persons competent to render first-aid, and whose services shall also be readily available during working hours.

At such docks, wharves, quays and similar places as aforesaid appropriate provision shall also be made for the rescue of immersed workers from drowning.

Article 14

Any fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing whatsoever required to be provided under this Convention shall not be removed or interfered with by any person except when duly authorized or in case of necessity, and if removed shall be restored at the end of the period for which its removal was necessary.

Article 15

It shall be open to each Member to grant exemptions from or exceptions to the provisions of this Convention in respect of any dock, wharf, quay or similar place at which the processes are only occasionally carried on or the traffic is small and confined to small ships, or in respect of certain special ships or special classes of ships or ships below a certain small tonnage, or in cases where as a result of climatic conditions it would be impracticable to require the provisions of this Convention to be carried out.

The International Labour Office shall be kept informed of the provisions in virtue of which any exemptions and exceptions as aforesaid are allowed.

Article 16

Except as herein otherwise provided, the provisions of this Convention which affect the construction or permanent equipment of the ship shall apply to ships the building of which is commenced after the date of ratification of the Convention, and to all other ships within four years after that date, provided that in the meantime the said provisions shall be applied so far as reasonable and practicable to such other ships.

Article 17

In order to ensure the due enforcement of any regulations prescribed for the protection of the workers against accidents,

(1) The regulations shall clearly define the persons or bodies who are to be responsible for compliance with the respective regulations;

Article 13

Sur les docks, wharfs, quais et autres lieux semblables fréquemment utilisés pour les opérations, les moyens de secours que les législations nationales devront prévoir, en tenant compte des circonstances locales, seront aménagés de telle façon que les premiers soins puissent être rapidement assurés et pour que, dans les cas d'accident sérieux, l'intéressé puisse être rapidement transporté à l'hôpital le plus proche. Une provision suffisante de matériel de premier secours devra être conservée en permanence sur les lieux dont il s'agit, dans un état et dans des endroits tels qu'elle soit facilement accessible et puisse être utilisée immédiatement au cours des heures de travail. Ces provisions de matériel de premier secours devront être placées sous la surveillance d'une ou de plusieurs personnes responsables, comprenant une ou plusieurs personnes aptes à donner les premiers soins et prêtes à assurer immédiatement leur service pendant les heures de travail.

Des mesures appropriées devront également être prises sur les docks, wharfs, quais et autres lieux semblables, ci-dessus mentionnés, pour porter secours aux travailleurs qui tomberaient à l'eau.

Article 14

Aucune personne n'aura le droit d'enlever ni de déplacer des garde-corps, passerelles, dispositifs, échelles, appareils ou moyens de sauvetage, lumières, inscriptions, plate-formes ou tous autres objets prévus par les dispositions de la présente convention, sauf si elle y est dûment autorisée ou en cas de nécessité; les objets dont il s'agit devront être remis en place à l'expiration du délai pour lequel leur enlèvement a été nécessaire.

Article 15

Chaque Membre pourra accorder des dérogations totales ou partielles aux dispositions de la présente convention en ce qui concerne tout dock, wharf, quai ou autre lieu semblable où les opérations ne sont effectuées qu'occasionnellement, ou dans lequel le trafic est restreint et limité à de petits bateaux, ou bien en ce qui concerne certains bateaux spéciaux ou certaines catégories spéciales de bateaux, ou les bateaux n'atteignant pas un certain tonnage, de même que dans les cas où, par suite des conditions climatiques, on ne pourrait exiger pratiquement l'observation des dispositions de la présente convention.

Le Bureau international du Travail devra être informé des dispositions en vertu desquelles les dérogations totales ou partielles mentionnées ci-dessus seront accordées.

Article 16

Sous réserve des exceptions stipulées dans d'autres articles, les mesures prévues par la présente convention qui affectent la construction ou l'équipement permanent du bateau devront s'appliquer sans délai aux bateaux dont la construction aura été commencée après la date de la ratification de la présente convention et elles devront s'appliquer à tous les autres bateaux dans un délai de quatre ans à partir de cette date. Toutefois, avant l'expiration de ce délai lesdites mesures devront être appliquées à ces autres bateaux pour autant que cela sera raisonnable et pratiquement réalisable.

Article 17

Afin d'assurer l'application effective de tous règlements établis en vue de la protection des travailleurs contre les accidents,

(1) les dits règlements devront déterminer clairement les personnes ou organismes auxquels incombe l'obligation d'en observer les prescriptions;

(2) Provision shall be made for an efficient system of inspection and for penalties for breaches of the regulations;

(3) Copies or summaries of the regulations shall be posted up in prominent positions at docks, wharves, quays and similar places which are in frequent use for the processes.

Article 18

Each Member undertakes to enter into reciprocal arrangements on the basis of this Convention with the other Members which have ratified this Convention, including more particularly the mutual recognition of the arrangements made in their respective countries for testing, examining and annealing and of certificates and records relating thereto;

Provided that, as regards the construction of ships and as regards plant used on ships and the records and other matters to be observed on board under the terms of this Convention, each Member is satisfied that the arrangements adopted by the other Member secure a general standard of safety for the workers equally effective as the standard required under its own laws and regulations;

Provided also that the Governments shall have due regard to the obligations of paragraph (11) of Article 405 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace

Article 19

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

Article 20

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organization have been registered with the Secretary-General.

Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 21

As soon as the ratifications of two Members of the International Labour Organization have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organization. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organization.

Article 22

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

(2) des dispositions devront être prises pour instituer un système d'inspection efficace et pour fixer les sanctions applicables en cas de violation des règlements;

(3) les textes ou des résumés des règlements devront être affichés à des endroits bien visibles des docks, wharfs, quais et autres lieux semblables fréquemment utilisés pour les opérations.

Article 18

Chaque Membre s'engage à conclure avec les autres Membres ayant ratifié la présente convention des accords de réciprocité sur la base de cette convention, en comprenant plus particulièrement dans ces accords la reconnaissance mutuelle des dispositions prises dans leurs pays respectifs pour les essais, vérifications et recuissons et la reconnaissance mutuelle des certificats et procès-verbaux y relatifs.

Cet engagement est pris sous réserve que, pour ce qui concerne la construction des bateaux et l'outillage utilisé à bord et pour ce qui concerne les procès-verbaux ainsi que les diverses prescriptions qui doivent être observées à bord aux termes de la présente convention, chaque Membre soit assuré que les dispositions adoptées par l'autre Membre garantissent, pour les travailleurs, un niveau général de sécurité d'une efficacité égale au niveau prescrit par sa propre législation.

En outre, les Gouvernements tiendront dûment compte des obligations qui résultent du paragraphe 11 de l'article 405 du Traité de Versailles et des articles correspondants des autres Traités de Paix.

Article 19

Les ratifications officielles de la présente convention dans les conditions prévues à la Partie XIII du Traité de Versailles et aux Parties correspondantes des autres Traités de Paix seront communiquées au Secrétaire général de la Société des Nations et par lui enregistrées.

Article 20

La présente convention ne liera que les Membres de l'Organisation internationale du Travail, dont la ratification aura été enregistrée au Secrétariat.

Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Secrétaire général.

Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 21

Aussitôt que les ratifications de deux Membres de l'Organisation internationale du Travail auront été enregistrées au Secrétariat, le Secrétaire général de la Société des Nations notifiera ce fait à tous les Membres de l'Organisation internationale du Travail. Il leur notifiera également l'enregistrement des ratifications qui lui seront ultérieurement communiquées par tous autres Membres de l'Organisation.

Article 22

Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Secrétaire général de la Société des Nations, et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée au Secrétariat.

Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 23

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

Article 24

Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 22 above, if and when the new revising Convention shall have come into force.

As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 25

The French and English texts of this Convention shall both be authentic.

The foregoing is the authentic text of the Draft Convention duly adopted by the General Conference of the International Labour Organization during its Sixteenth Session which was held at Geneva and declared closed the 30th day of April 1932.

IN FAITH WHEREOF we have appended our signatures this fifth day of May 1932.

For the President of the Conference,

BO HAMMARSKJÖLD,
Vice-President.

The Director of the International Labour Office,
ALBERT THOMAS.

Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article, sera lié pour une nouvelle période de cinq années et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de cinq années dans les conditions prévues au présent article.

Article 23

A l'expiration de chaque période de dix années à compter de l'entrée en vigueur de la présente convention, le Conseil d'administration du Bureau international du Travail devra présenter à la Conférence générale un rapport sur l'application de la présente convention et décidera s'il y a lieu d'insérer à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.

Article 24

Au cas où la Conférence internationale adopterait une nouvelle convention portant révision totale ou partielle de la présente convention, la ratification par un Membre de la nouvelle convention portant révision entraînerait de plein droit dénonciation de la présente convention sans condition de délai nonobstant l'article 22 ci-dessus, sous réserve que la nouvelle convention portant révision soit entrée en vigueur.

A partir de la date de l'entrée en vigueur de la nouvelle convention portant révision, la présente convention cesserait d'être ouverte à la ratification des Membres.

La présente convention demeurerait toutefois en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la nouvelle convention portant révision.

Article 25

Les textes français et anglais de la présente convention feront foi l'un et l'autre.

Le texte qui précède est le texte authentique du projet de convention dûment adopté par la Conférence générale de l'Organisation internationale du Travail dans sa seizième session qui s'est tenue à Genève et qui a été déclarée close le 30 avril 1932.

EN FOI DE QUOI ont apposé leurs signatures, le cinq mai 1932:

Pour le Président de la Conférence,
BO HAMMARSKJÖLD,
Vice-président.

Le Directeur du Bureau international du Travail,
ALBERT THOMAS.

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CANADA

TREATY SERIES, 1946

No. 4

TRADE AGREEMENT
BETWEEN
CANADA AND MEXICO

Signed at Mexico, February 8, 1946

CAME PROVISIONALLY INTO FORCE, FEBRUARY 8, 1946

(This instrument has not yet been ratified)



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946

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OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946

TRADE AGREEMENT BETWEEN CANADA AND MEXICO

Signed at Mexico, February 8, 1946

The Government of Canada and the Government of the United Mexican States, desiring to strengthen the traditional bonds of friendship which unite the two countries and to facilitate further and to develop the commercial relations existing between Canada and Mexico, have resolved to conclude a Trade Agreement and have appointed for this purpose as their Plenipotentiaries:

The Government of Canada, Hugh Llewellyn Keenleyside, Esquire, Ambassador Extraordinary and Plenipotentiary of Canada to Mexico, and the Honourable James Angus MacKinnon, Minister of Trade and Commerce; and

The Government of the United Mexican States, His Excellency Doctor Francisco Castillo Nájera, Secretary of External Relations;

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following Articles:

Article I

1. The Government of Canada and the Government of the United Mexican States will grant each other, reciprocally, unconditional and unrestricted most-favoured-nation treatment in all matters concerning customs duties and subsidiary charges of every kind on importation or exportation established in their respective jurisdictions, and as regards the method of levying such duties, and, further, as regards the rules and formalities connected with importation or exportation, and with respect to all laws and regulations affecting the taxation, sale, distribution or use of imported goods within the country.

2. Accordingly, articles the growth, produce or manufacture of either country imported into the other shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like articles the growth, produce or manufacture of any other foreign country are or may hereafter be subject.

3. Similarly, articles exported from the territory of Canada or Mexico and consigned to the territory of the other country shall in no case be subject, with respect to exportation and in regard to the above-mentioned matters, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like articles when consigned to the territory of any other foreign country are or may hereafter be subject.

4. Any advantage, favour, privilege or immunity which has been or may hereafter be granted by Canada or Mexico in regard to the above-mentioned matters, to any article originating in any other foreign country or consigned to the territory of any other foreign country shall be accorded immediately and without compensation to the like article originating in or consigned to the territory of Canada or Mexico, respectively, and irrespective of the nationality of the carrier.

Article II

Whenever the Government of either country proposes to impose or alter quantitative restrictions upon imports from the other country, or to allocate shares to the countries of export or change existing allocations, it shall give notice thereof in writing to the other Government and shall afford such other Government an opportunity to consult with it in respect of the proposed action.

CONVENIO COMERCIAL ENTRE EL CANADA Y MEXICO

Firmado en México el 8 de febrero de 1946

El Gobierno del Canadá y el Gobierno de los Estados Unidos Mexicanos, deseosos de estrechar los tradicionales lazos de amistad que unen a ambas naciones y de facilitar y desarrollar aún más las relaciones comerciales existentes entre el Canadá y México, han decidido concertar un Convenio Comercial, y con este propósito han designado sus Plenipotenciarios, a saber:

El Gobierno del Canadá, al Señor Hugh Llewellyn Keenleyside, Embajador Extraordinario y Plenipotenciario del Canadá en México, y al Honorable James Angus MacKinnon, Ministro de Negocios y Comercio; y

El Gobierno de los Estados Unidos Mexicanos, a Su Excelencia el Señor Doctor Francisco Castillo Nájera, Secretario de Relaciones Exteriores;

Quienes, después de haberse comunicado sus plenos poderes y haberlos hallado en buena y debida forma, han convenido en los siguientes artículos:

Artículo I

1. El Gobierno del Canadá y el Gobierno de los Estados Unidos Mexicanos convienen en concederse recíprocamente el tratamiento incondicional e ilimitado de la nación más favorecida en todo lo que atañe a derechos aduanales y a todos los derechos accesorios sobre la importación o la exportación que rigen en sus respectivas jurisdicciones, así como en lo referente al modo de percibir tales derechos y, además, en lo concerniente a los reglamentos y formalidades relacionados con la importación o exportación y respecto de todas las leyes y reglamentos que afecten la imposición de derechos, la venta, la distribución o el uso dentro del país de los productos importados.

2. En consecuencia, los artículos cultivados, producidos o manufacturados en cualquiera de los dos países, que se importen en el otro, no serán sometidos en ningún caso, en el régimen mencionado, a derechos, tasas o cargas distintos o más elevados, ni a reglas o formalidades distintas o más onerosas que aquéllas a que están o puedan ser sometidos los productos similares originarios de cualquier otro país extranjero.

3. Del mismo modo, los productos exportados de los territorios del Canadá o de México con destino al territorio del otro país no serán sometidos, en ningún caso, con respecto a la exportación y con relación a los asuntos arriba mencionados, a derechos, tasas o cargas distintos o más elevados, ni a reglas o formalidades distintas o más onerosas que aquéllas a que están o puedan ser sometidos los productos similares destinados al territorio de cualquier otro país extranjero.

4. Todas las ventajas, favores, privilegios o inmunidades concedidos o que puedan ser concedidos en lo futuro por el Canadá o México, en la materia arriba mencionada, a los productos originarios de cualquiera otra nación extranjera o destinados al territorio de cualquier otro país extranjero, serán concedidos, inmediatamente y sin compensación, a los productos similares originarios de o destinados al territorio de Canadá o de México, respectivamente, independientemente de la nacionalidad del que los transporte.

Artículo II

Siempre que el Gobierno de uno u otro país se proponga imponer restricciones cuantitativas o modificarlas sobre las importaciones del otro país, o asignar cuotas a los países de exportación o cambiar las cuotas existentes, dará aviso escrito al respecto al otro Gobierno, proporcionándole adecuadas oportunidades para que se verifiquen consultas mutuas respecto de la acción propuesta.

Article III

If either of the two Governments establishes or maintains, formally or in effect, restrictions on the importation, exportation, sale, distribution or production of any article, in such terms that such operations or transactions are effected or conducted exclusively by particular Institutions or Organizations, the Government of the country establishing or maintaining such restrictions or practices agrees that, in respect of the foreign sales or purchases of such Agencies, the commerce of the other country shall receive fair and equitable treatment. To this end it is agreed that, in making their purchases or sales abroad, the said Institutions will be influenced solely by considerations of price, quality, marketability, transportation and terms of purchase or sale, which are ordinarily taken into account in a commercial transaction carried out by a private enterprise interested solely in the purchase or sale of such product on the most favourable terms.

Article IV

1. Articles the growth, produce or manufacture of Canada or Mexico shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin or any other foreign origin.

2. The provisions of the previous paragraph shall not prevent the Government of Canada or the Government of the United Mexican States from imposing at any time on the importation of any article a charge equivalent to an internal tax imposed on a like domestic article or on the raw materials from which the said article may have been manufactured or produced in whole or in part.

3. The provisions of this Article in regard to granting of national treatment shall not affect the application of the laws now in force in Canada whereby leaf tobacco, spirits, beer, malt and malt syrup imported from abroad are subject to special taxes, nor shall they affect the applicability to goods produced or manufactured in Mexico of special excise taxes imposed under existing provisions of the Special War Revenue Act. In these respects, however, most-favoured-nation treatment shall apply.

4. Similarly, the provisions of this Article in regard to granting of national treatment shall not affect the application of the Mexican laws now in force which impose differential taxes on manufactured tobacco, wines and liquors imported from abroad as well as registration and certification dues on patent medicines and toilet and beauty preparations. In such cases most-favoured-nation treatment shall likewise be applied.

Article V

1. In the event that the Government of either country adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country as tending to nullify or impair any of its objects, the Government which has adopted such a measure shall consider such representation and proposals as the other Government may make and shall afford adequate opportunity for consultation with a view to reaching a mutually satisfactory agreement.

2. The Government of each country shall accord sympathetic consideration to, and when requested shall afford adequate opportunity for consultation regarding, such representations as the other Government may make with respect

Artículo III

Si cualquiera de los dos Gobiernos estableciera o mantuviera, oficialmente o de hecho, restricciones sobre la importación, exportación, venta, distribución o producción de un producto determinado, de tal manera que tales operaciones o transacciones sean realizadas o gestionadas exclusivamente por instituciones u organizaciones autorizadas, el Gobierno del país que establezca o mantenga tales restricciones o regímenes conviene en que, respecto de las compras o ventas en el exterior de tales agencias, el comercio del otro país recibirá un tratamiento justo y equitativo. A este fin se conviene en que al afectuar sus compras o ventas en el exterior, dichas Instituciones serán guiadas exclusivamente por consideraciones de precio, calidad, posibilidades de compra-venta, transporte y condiciones de compra o de venta, que ordinariamente se toman en cuenta en una transacción comercial efectuada por una empresa privada interesada únicamente en vender o comprar tal producto en las condiciones más favorables.

Artículo IV

1. Los artículos cultivados, producidos o manufacturados originarios del Canadá o de México, después de importados en el otro país, estarán exentos de todo impuesto, derecho, gravamen, o tributo interno distinto o más elevado que los que se apliquen a los productos similares de origen nacional o de cualquier otro origen extranjero.

2. Las disposiciones del párrafo anterior no impedirán que el Gobierno del Canadá o el Gobierno de los Estados Unidos Mexicanos apliquen en cualquier momento, a la importación de cualquier producto, una carga equivalente a un impuesto interno hecho a un producto nacional similar o con respecto a las materias primas de las que el producto importado haya sido fabricado o producido en todo o en parte.

3. Las disposiciones de este artículo relativas a la concesión del tratamiento nacional no afectarán la aplicación de las leyes actualmente en vigor en el Canadá, por las cuales el tabaco en rama, los alcoholes, la cerveza, la malta y el jarabe de malta importados del extranjero están sujetos a impuestos especiales, ni afectarán su aplicabilidad a los artículos producidos o manufacturados en México de los impuestos especiales de consumo existentes por disposiciones de la Ley Especial de Impuestos de Guerra (Special War Revenue Act). A estos respectos, sin embargo, se aplicará el tratamiento de la nación más favorecida.

4. Del mismo modo, las disposiciones del presente Artículo relativas a la concesión del tratamiento nacional no afectarán la aplicación de las leyes actualmente vigentes en México que establecen impuestos diferenciales al tabaco elaborado, a los vinos y licores importados, así como a los cobros de registro y de certificación de las medicinas de patente y a las preparaciones de tocador y de belleza. En estos casos se aplicará igualmente el tratamiento de la nación más favorecida.

Artículo V

1. En caso de que el Gobierno de uno o de otro país adopte cualquiera medida que, aún cuando no esté en oposición con los términos de este Convenio, sea considerada por el Gobierno del otro país como tendente a nulificar o menoscabar cualesquiera de sus objetivos, el Gobierno del país que haya adoptado tal medida prestará consideración a las representaciones y proposiciones que el Gobierno del otro país pueda hacerle, proporcionándole oportunidades adecuadas para consultas al respecto, con el objeto de llegar a un arreglo mutuamente satisfactorio.

2. El Gobierno de cualquiera de los dos países considerará amistosamente las representaciones que el Gobierno del otro país pueda formular respecto a la aplicación de las reglamentaciones aduaneras, del control de los cambios inter-

to the operation of customs regulations, control of foreign exchange, quantitative restrictions or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal or plant health or life.

3. If agreement is not reached after due consultation as described above, either Government shall be free to terminate this Agreement in whole or in part on thirty days' written notice.

4. Greater than nominal penalties shall not be imposed by Canada or Mexico in connection with the importation of articles the growth, produce or manufacture of the other country because of errors in documentation which are obviously clerical in origin or with regard to which good faith can be established.

Article VI

1. Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against the other country in favour of any other foreign country, and without prejudice to the provisions of paragraphs 1 and 2 of Article V, the provisions of this Agreement shall not extend to prohibitions or restrictions:

- (a) relating to public security;
- (b) imposed for the protection of public health or on moral or humanitarian grounds;
- (c) imposed for the protection of plants or animals, including measures for protection against disease, degeneration or extinction as well as measures taken against harmful seeds, plants or animals;
- (d) relating to prison-made goods;
- (e) relating to the enforcement of police laws or regulations; or
- (f) imposed for the protection of national treasures of artistic, historic or archaeological value.

2. Nothing in this Agreement shall be construed to prevent the adoption or enforcement of such measures as the Government of either country may see fit to adopt:

- (a) relating to the importation or exportation of gold or silver; or
- (b) relating to the control of the import or export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

3. It is understood that the provisions of this Agreement relating to laws and regulations affecting the sale, taxation or use of imported articles within Canada and Mexico are subject to the constitutional limitations on the authority of the Governments of the respective countries.

Article VII

1. The advantages now accorded, or which may hereafter be accorded, by Canada or Mexico to adjacent countries in order to facilitate frontier traffic, and advantages accorded by virtue of a customs union to which either country may become a party, shall be excepted from the operation of this Agreement.

2. The advantages now accorded, or which may hereafter be accorded, by Canada exclusively to other territories under the sovereignty of His Majesty

nacionales, de las restricciones cuantitativas o su aplicación, de la observancia de las formalidades de aduana o de la aplicación de las leyes sanitarias y reglamentos para la protección de la salud o vida humana, animal o vegetal. Cada Gobierno, al ser requerido, dará adecuada oportunidad para las consultas relativas a tales representaciones.

3. Si, después de las debidas consultas arriba mencionadas, las Partes Contratantes no pueden avenirse, uno u otro Gobierno queda libre de terminar este Convenio, en todo o en parte, previo aviso escrito de treinta días.

4. El Canadá o México no impondrá sino multas nominales respecto de la importación de artículos cultivados, producidos o manufacturados en el otro país, por razón de errores en la documentación, que obviamente se deban al trabajo tipográfico, o con respecto a los cuales pueda establecerse la buena fe del país comprometido.

Artículo VI

1. Siempre que, en igualdad de circunstancias y condiciones, no haya discriminación arbitraria de parte de uno u otro país en pro de cualquiera otra nación extranjera, y sin perjuicio de las disposiciones de los párrafos 1 y 2 del Artículo V, las disposiciones de este Convenio no serán aplicables a las prohibiciones o restricciones:

(a) relativas a la seguridad pública;

(b) impuestas para la protección de la salud pública o por razones morales o humanitarias;

(c) encaminadas a proteger la vida o la salud animal o vegetal, inclusive cualesquier medidas de protección contra enfermedades, degeneración o extinción, así como medidas adoptadas contra semillas, plantas o animales nocivos;

(d) relativas a artículos fabricados en prisiones;

(e) relativas al cumplimiento de leyes o reglamentos de policía; o

(f) impuestas para la protección del patrimonio nacional artístico, histórico o arqueológico.

2. Nada en este Convenio será interpretado en sentido tal que impida la adopción o aplicación de las medidas que el Gobierno de cualquiera de los dos países considere conveniente adoptar:

(a) relativas a la importación o exportación del oro o de la plata; o

(b) relativas al control de la importación o exportación, o venta para exportación, de armas, municiones, o instrumentos de guerra, y, en circunstancias excepcionales, de cualesquier otros abastecimientos militares.

3. Se entiende que las disposiciones de este Convenio relativas a las leyes o reglamentos que afecten la venta, la imposición de impuestos, o el uso dentro del Canadá y de México de artículos importados, quedan sujetas a las disposiciones constitucionales que limiten la autoridad de los Gobiernos de los respectivos países.

Artículo VII

1. Se exceptúan de los efectos del presente Convenio tanto las ventajas concedidas o que pudieran ser concedidas en lo futuro por uno u otro país, a países limítrofes para facilitar el tráfico fronterizo, como las que resulten de una unión aduanera de la cual uno u otro país pueda llegar a ser parte.

2. Se exceptúan igualmente de los efectos del presente Convenio, las ventajas concedidas o que puedan ser acordadas en lo futuro por el Canadá exclusivamente

the King of Great Britain, Ireland, and the British dominions beyond the seas, Emperor of India, or under His Majesty's suzerainty, protection or mandate, shall be excepted from the operation of this Agreement.

Article VIII

1. The present Agreement shall be ratified and the instruments of ratification shall be exchanged at Ottawa as soon as possible. The Agreement shall come into force thirty days after the exchange of ratifications and shall remain in force for a period of two years. In case neither Government shall have given to the other Government, at least six months before the expiration of the aforesaid period, notice of intention to terminate the Agreement, it shall continue in force for a further period of one year and for further successive periods of one year each, until such time as the Government of either country shall have given to the other Government, at least six months before the expiration of one of the aforesaid periods, notice of intention to terminate the Agreement.

2. Pending the definitive coming into force of this Agreement, its provisions shall be applied provisionally by the two Governments as from the date of signature of this Agreement. The Government of either country, however, may, prior to the exchange of ratifications, terminate the provisional application of the Agreement by giving three months' notice to the other Government.

In witness whereof, the above-mentioned Plenipotentiaries sign and seal this Agreement, in duplicate in English and in Spanish, at the City of Mexico, this eighth day of February, nineteen hundred and forty-six.

H. L. KEENLEYSIDE.

F. CASTILLO NÁJERA.

JAS. A. MACKINNON.

(SEALS)

a otros territorios sujetos a la soberanía de Su Majestad el Rey de la Gran Bretaña, Irlanda, y de los Dominios Británicos de Allende los Mares, Emperador de la India, o bajo el dominio, protección o mandato de Su Majestad.

Artículo VIII

1. El presente Convenio será ratificado y los instrumentos de ratificación se canjearán en Ottawa a la brevedad posible. El Convenio entrará en vigor treinta días después del canje de ratificaciones y permanecerá vigente durante un período de dos años. Si ninguno de los dos Gobiernos Contratantes lo hubiere denunciado seis meses antes de expirar ese término, quedará prorrogado por un año más, por tácita reconducción, y así sucesivamente, a menos que sea denunciado seis meses, por lo menos, antes de expirar el período en curso.

2. Mientras este Convenio no tenga vigencia definitiva, sus disposiciones serán aplicadas provisionalmente por ambos Gobiernos a partir de la fecha en que el mismo haya sido firmado. El Gobierno de uno u otro país, sin embargo, podrá, antes del canje de ratificaciones, suspender la aplicación provisional de este Convenio dando aviso al otro Gobierno con tres meses de anticipación.

En fé de lo cual, los Plenipotenciarios arriba mencionados, firman y sellan el presente Convenio, hecho en dos ejemplares, en inglés y en español, en la Ciudad de México, a los ocho días del mes de febrero de mil novecientos cuarenta y seis.

H. L. KEENLEYSIDE.

F. CASTILLO NÁJERA.

JAS. A. MACKINNON.

(L.S.)

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Canada External Affairs Dept.

(CANADA)

TREATY SERIES, 1946

No. 5

EXCHANGE OF NOTES

(November 3, 1945, and January 30, 1946)

BETWEEN

CANADA AND NEW ZEALAND

CONSTITUTING AN

AGREEMENT FOR RECIPROCAL EXEMPTION
OF CERTAIN AGENCY PROFITS
FROM INCOME TAX

Effective as from November 3, 1945



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946

CANADA

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1946

SUMMARY

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**EXCHANGE OF NOTES (NOVEMBER 3, 1945 AND JANUARY 30, 1946)
BETWEEN CANADA AND NEW ZEALAND CONSTITUTING AN
AGREEMENT FOR RECIPROCAL EXEMPTION ON
CERTAIN AGENCY PROFITS FROM
INCOME TAX**

I

*The Minister of Finance of New Zealand
to the High Commissioner for Canada in New Zealand*

OFFICE OF MINISTER OF FINANCE

WELLINGTON, N.Z., 3rd November, 1945.

My dear Dr. RIDDELL,

I have the honour to refer to your letter of September 20, 1945, addressed to the Prime Minister and dealing with the proposed Agreement between Canada and New Zealand for the reciprocal exemption of certain agency profits from income tax.

The Prime Minister having referred this matter to me for my attention, I desire to confirm that agreement has now been reached on a common text and I have therefore had the proposals embodied formally in a Memorandum of Agreement which is annexed to this note.

If the arrangements proposed in the Memorandum of Agreement meet with the approval of the Canadian Government, I have the honour to suggest that this note and the annexed Memorandum of Agreement, together with your reply informing me that the proposals are accepted by the Canadian Government, shall constitute a formal agreement between our two Governments which shall come into effect from to-day's date.

Yours sincerely,

W. NASH,
Minister of Finance.

Enclosure

**MEMORANDUM OF AGREEMENT BETWEEN CANADA AND
NEW ZEALAND FOR RECIPROCAL EXEMPTION OF
CERTAIN AGENCY PROFITS FROM
INCOME TAX**

His Majesty's Government in Canada and His Majesty's Government in New Zealand, being desirous of concluding an agreement for reciprocal exemption from income tax in certain cases of profits or gains arising through an agency, have agreed as follows:—

ARTICLE 1

His Majesty's Government in New Zealand undertake that the profits or gains to which this Article relates shall, so long as the exemption specified in Article 2 hereof remains effective, be exempted from income tax chargeable in New Zealand for the year of assessment commencing on the first day of April, nineteen hundred and forty-three, and for every subsequent year of assessment, and will take the necessary action under Section eleven of the Act of Parliament of New Zealand known as the Land and Income Tax Amendment Act, 1935, with a view to giving the force of law to the exemption aforesaid.

The profits or gains to which this Article relates are any profits or gains from the sale of goods, other than things in action and money, arising, whether directly or indirectly, through an agency in New Zealand to a person who is resident in Canada and is not resident in New Zealand, unless the profits or gains either—

- (1) arise from the sale of goods from a stock in New Zealand, or
- (2) accrue directly or indirectly through any branch or management in New Zealand or through an agency in New Zealand where the agent has and habitually exercises a general authority to negotiate and conclude contracts.

ARTICLE 2

His Majesty's Government in Canada undertake that the profits or gains to which this Article relates shall, so long as the exemption specified in Article 1 hereof remains effective, be exempted from income tax chargeable by Canada in respect of the 1943 taxation period and fiscal periods ending therein, and thereafter, and will take the necessary action under subsection 3 of Section 27A of the Income War Tax Act as enacted by Section 14 of Chapter 55 of the Statutes of 1934 with a view to giving the force of law to the exemption aforesaid.

The profits or gains to which this Article relates are any profits or gains from the sale of goods, other than things in action and money, arising, whether directly or indirectly, through an agency in Canada to a person who is resident in New Zealand and is not resident in Canada, unless the profits or gains either—

- (1) arise from the sale of goods from a stock in Canada, or
- (2) accrue directly or indirectly through any branch or management in Canada, or through an agency in Canada where the agent has and habitually exercises a general authority to negotiate and conclude contracts.

ARTICLE 3

His Majesty's Government in New Zealand further undertake that for the year of assessment commencing on the first day of April nineteen hundred and forty-three, and for every subsequent year of assessment, so long as the exemption specified in Article 4 hereof remains effective, profits or gains accruing to a person resident in Canada and not resident in New Zealand from sales under contracts entered into in Canada (that is to say, where the acceptance of the offer of purchase is effected in Canada) of goods stocked in a warehouse in New Zealand for convenience of delivery and not for the purposes of display, shall be exempted from income tax in New Zealand, even though the offers of purchase have been obtained by an agent in New Zealand of the principal in Canada and transmitted by him to the principal for acceptance and His Majesty's Government in New Zealand will take the necessary action under Section eleven aforementioned with a view to giving the force of law to the exemption aforesaid.

ARTICLE 4

His Majesty's Government in Canada further undertake that in respect of the 1943 taxation period and fiscal periods ending therein, and thereafter, so long as the exemption specified in Article 3 hereof remains effective, profits or gains accruing to a person resident in New Zealand and not resident in Canada from sales under contracts entered into in New Zealand (that is to say, where the acceptance of the offer of purchase is effected in New Zealand) of goods stocked in a warehouse in Canada for convenience of delivery and not for the purposes of display, shall be exempted from income tax chargeable by Canada, even though the offers of purchase have been obtained by an agent in Canada of the principal in New Zealand and transmitted by him to the principal for acceptance, and His Majesty's Government in Canada will take the necessary action under subsection 3 of section 27A aforementioned with a view to giving the force of law to the exemption aforesaid.

ARTICLE 5

For the purposes of this Agreement the word "person" includes any body of persons, corporate or not corporate, and a body corporate shall be regarded as resident in New Zealand and not resident in Canada if its business is managed and controlled in New Zealand, and shall be regarded as resident in Canada and not resident in New Zealand if its business is managed and controlled in Canada.

ARTICLE 6

The Agreement may be denounced at any time upon six months' notice being given by one Government to the other.

II

*The High Commissioner for Canada
to the Minister of Finance of New Zealand*

OFFICE OF THE HIGH COMMISSIONER FOR CANADA

WELLINGTON, January 30, 1946.

My dear Mr. NASH,

I have the honour to acknowledge the receipt of your Note of November 3, 1945, with regard to the proposed Agreement between Canada and New Zealand for the reciprocal exemption of certain agency profits from income tax, and the annexed Memorandum of Agreement.

The arrangements proposed in the Memorandum of Agreement meet with the approval of the Government of Canada and I have been authorized to conclude the Memorandum of Agreement and to accept your suggestion that your Note and the annexed Memorandum of Agreement, together with this reply informing you that the proposals are accepted by the Government of Canada shall constitute a formal agreement between our two Governments, as of November 3, 1945.

Yours sincerely,

W. A. RIDDELL,
High Commissioner for Canada.

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CANADA

TREATY SERIES, 1946

No. 6

EXCHANGE OF NOTES

(February 1 and 5, 1946)

BETWEEN

CANADA AND THE NETHERLANDS

CONSTITUTING AN AGREEMENT

CONCERNING

THE RESUMPTION OF TRADE RELATIONS

Effective as from February 5, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
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Price, 25 cents.

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Effective as from February 5, 1946



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946

**EXCHANGE OF NOTES (FEBRUARY 1 AND 5, 1946) BETWEEN
CANADA AND THE NETHERLANDS CONSTITUTING AN AGREEMENT CONCERNING THE RESUMPTION OF TRADE RELATIONS.**

I

*The Netherlands Minister to Canada
to the Secretary of State for External Affairs*

ROYAL NETHERLANDS LEGATION

OTTAWA, February 1, 1946.

No. 370

Sir,

I have the honour to inform you that I have been directed by my Government to request the Government of Canada to terminate the suspension period of the Convention of Commerce concluded in Ottawa between our two Governments on July 11, 1924, and again place this Convention on the record of existing and valid Treaties.

I appreciate, however, that since trade has not yet been resumed between Canada and the Netherlands East Indies, the Convention will not be operative for the Netherlands East Indies until trade is resumed.

Accept, Sir, the renewed assurances of my highest consideration.

SNOUCK HURGRONJE.

II

*The Secretary of State for External Affairs
to the Netherlands Minister to Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, February 5, 1946.

No. 18

Excellency,

I have the honour to refer to your note No. 370 of February 1, concerning the revival of the Convention of Commerce between Canada and the Netherlands concluded in Ottawa between our two Governments on July 11, 1924. The Government of Canada agrees to terminate the suspension period of this Convention and place it again on the record of existing and valid Treaties.

As, however, trade has not yet been resumed between the Netherlands East Indies and Canada, the Convention will not be operative in respect to the Netherlands East Indies until trade has been resumed.

Accept, Excellency, the renewed assurances of my highest consideration.

N. A. ROBERTSON,
*For the Secretary of State
for External Affairs.*

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CANADA

TREATY SERIES, 1946

No. 7

TRADE AGREEMENT
BETWEEN
CANADA AND COLOMBIA

Signed at Bogotá, February 20, 1946

(This Agreement has not yet been ratified)



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946

CANADA

TREATY SERIES, 1946

No. 7

TRADE AGREEMENT

BETWEEN

CANADA AND COLOMBIA

Signed at Bogotá, February 20, 1946

(This Agreement has not yet been ratified)



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946

**TRADE AGREEMENT
BETWEEN CANADA AND THE REPUBLIC OF COLOMBIA**

Signed at Bogotá, February 20, 1946

The Government of Canada and the Government of Colombia, desiring to strengthen the traditional bonds of friendship which unite the two countries and to facilitate further and to develop the commercial relations existing between Canada and Colombia, have resolved to conclude a Trade Agreement and have appointed for this purpose as their Plenipotentiaries:

The Government of Canada, the Honourable James Angus MacKinnon, Minister of Trade and Commerce; and

The Government of Colombia, His Excellency Doctor Fernando Londoño y Londoño, Minister of Foreign Affairs;

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following Articles:

Article I

1. The Government of Canada and the Government of Colombia will grant each other, reciprocally, unconditional and unrestricted most-favoured-nation treatment in all matters concerning customs duties and subsidiary charges of every kind on importation or exportation established in their respective jurisdictions and as regards the method of levying such duties, and, further, as regards the rules and formalities connected with importation or exportation, and with respect to all laws and regulations affecting the taxation, sale, distribution or use of imported goods within the country.

2. Accordingly, articles the growth, produce or manufacture of either country imported into the other shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like articles the growth, produce or manufacture of any other foreign country are or may hereafter be subject.

3. Similarly, articles exported from the territory of Canada or Colombia and consigned to the territory of the other country shall in no case be subject, with respect to exportation and in regard to the above-mentioned matters, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like articles when consigned to the territory of any other foreign country are or may hereafter be subject.

4. Any advantage, favour, privilege or immunity which has been or may hereafter be granted by Canada or Colombia in regard to the above-mentioned matters, to any article originating in any other foreign country or consigned to the territory of any other foreign country shall be accorded immediately and without compensation to the like article originating in or consigned to the territory of Colombia or Canada, respectively, and irrespective of the nationality of the carrier.

CONVENIO COMERCIAL ENTRE EL CANADÁ Y LA REPÚBLICA DE COLOMBIA

Firmado en Bogotá, el 20 de febrero de 1946

El Gobierno del Canadá y el Gobierno de la República de Colombia, deseando fortalecer los tradicionales vínculos de amistad entre los dos países, y facilitar y desarrollar aún más las relaciones comerciales existentes entre el Canadá y Colombia han resuelto celebrar un Convenio Comercial, a cuyo efecto han designado sus plenipotenciarios respectivos, a saber:

El Gobierno del Canadá, a Su Excelencia el señor James Angus MacKinnon, Ministro de Comercio e Industria; y

El Gobierno de Colombia a su Excelencia el señor doctor Fernando Londoño y Londoño, Ministro de Relaciones Exteriores.

Los cuales, después de haber canjeado sus respectivos plenos poderes, hallados en buena y debida forma, han convenido en los siguientes artículos:

Artículo I

1. El Gobierno del Canadá y el Gobierno de Colombia se concederán mutuamente el tratamiento incondicional e irrestringido de la nación más favorecida en todos los asuntos que se refieran a derechos aduanales y cobros subsidiarios de todo género establecidos para la importación o exportación dentro de sus jurisdicciones respectivas, así como en todo lo relativo a los métodos para la aplicación de tales impuestos, y además para cuanto se relacione con los reglamentos y formalidades referentes a la importación y exportación, y a todas las leyes y reglamentos que afecten los gravámenes, venta, distribución o uso de mercaderías importadas dentro del país.

2. En consecuencia, los productos cultivados, producidos o manufacturados en cualquiera de los dos países y que se importen en el otro, no estarán sujetos en ningún caso, con relación a los asuntos arriba mencionados, a ningún derecho, contribución o carga diferente o más elevado, ni a ninguna formalidad o reglamento distinto o más oneroso, a los que están o puedan en lo futuro estar sujetos productos similares cultivados, producidos o manufacturados en cualquier otro país extranjero.

3. De igual manera, los productos exportados del territorio del Canadá o de Colombia y consignados al territorio del otro país, no se someterán en ningún caso, con respecto a la exportación y en relación a los asuntos arriba mencionados, a ninguna clase de derechos, contribuciones o cargas diferentes o más elevados, o a reglamentos o formalidades diferentes o más onerosos, a que están sujetos o puedan estarlo en el futuro productos similares cuando se consignan al territorio de cualquier otro país extranjero.

4. Todas las ventajas, favores, privilegios o inmunidades ya concedidos o que en el futuro puedan concederse por el Canadá o por Colombia con respecto a los asuntos arriba mencionados, a cualquier artículo originario de cualquier otro país extranjero o consignado al territorio de cualquier otro país extranjero, se concederán inmediatamente y sin compensación, sin tener en cuenta la nacionalidad del transportador, a los correspondientes productos originarios del territorio del Canadá o de Colombia, respectivamente, o consignados a cualquiera de los dos países.

Article II

Whenever the government of either country proposes to impose or alter quantitative restrictions upon imports from the other country, or to allocate shares to the countries of export or change existing allocations, it shall give notice thereof in writing to the other government and shall afford such other government an opportunity to consult with it in respect to the proposed action.

Article III

If either country establishes or maintains a monopoly for the importation, exportation, sale, distribution or production of a particular commodity or grants exclusive privileges, formally or in effect, to one or more agencies to import, export, sell, distribute or produce a particular commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases or sales of such monopoly or agencies the commerce of the other country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases or sales of any product such monopoly or agency will be influenced solely by those considerations such as price, quality, marketability, transportation and terms of purchase or sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in selling or purchasing such product on the most favourable terms.

Article IV

1. Articles the growth, produce or manufacture of Canada or Colombia shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin or any other foreign origin, except as otherwise required by laws in force on the day of the signature of this Agreement.

2. The provisions of the previous paragraph shall not prevent the Government of Canada or the Government of Colombia from imposing at any time on the importation of any article a charge equivalent to an internal tax imposed on a like domestic article or on the raw materials from which the said article may have been manufactured or produced in whole or in part.

Article V

1. In the event that the Government of either country adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country as tending to nullify or impair any of its objects, the Government which has adopted such a measure shall consider such representation and proposals as the other Government may make and shall afford adequate opportunity for consultation with a view to reaching a mutually satisfactory agreement.

2. The Government of each country shall accord sympathetic consideration to, and when requested shall afford adequate opportunity for consultation regarding such representations as the other Government may make with respect to the operation of customs regulations, control of foreign exchange, quantitative restrictions or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal or plant health or life.

Artículo II

Cuando uno de los Gobiernos se proponga imponer o alterar restricciones cuantitativas sobre las importaciones del otro país, o señalar cupos a los países exportadores, o cambiar los cupos existentes, dará de esto aviso por escrito al otro Gobierno, brindándole la oportunidad de consultar con él sobre la proyectada medida.

Artículo III

Si cualquiera de los dos países establece o mantiene un monopolio para la importación, exportación, venta, distribución o producción de un determinado artículo, o concede privilegios exclusivos, formalmente o de hecho, a una o más entidades para importar, exportar, vender, distribuir o producir un artículo especial, el Gobierno del país que establezca o mantenga dicho monopolio o que conceda tales privilegios de monopolio, conviene en que, en relación con las compras extranjeras o de las ventas de dicho monopolio o agencia, el comercio del otro país recibirá un tratamiento justo y equitativo. Para este efecto, se conviene en que al hacer sus compras o ventas extranjeras de cualquier producto, tal monopolio u organismo se guiará únicamente por consideraciones como las de precio, calidad, aceptación en el mercado, transporte y condiciones de compra y venta, consideraciones que ordinariamente serían tenidas en cuenta por una empresa comercial particular interesada únicamente en vender o comprar tal producto en las condiciones más favorables.

Artículo IV

1. Los artículos cultivados, producidos o manufacturados en el Canadá o en Colombia, después de importados al otro país, quedarán exentos de todo gravámen, contribución, carga o exacción internos distintos o mayores que aquellos pagaderos sobre artículos análogos de origen nacional o de cualquier otro origen extranjero, excepción hecha de lo que en contrario dispongan las leyes vigentes el día de la firma de este Convenio.

2. Las disposiciones del parágrafo anterior no impedirán al Gobierno del Canadá o al Gobierno de Colombia imponer en cualquier tiempo sobre la importación de cualquier artículo, un gravámen equivalente al gravámen interno impuesto a un artículo similar de producción nacional o a las materias primas que hayan podido emplearse para la manufatura o producción de tal artículo en su totalidad o en parte.

Artículo V

1. En caso de que el Gobierno de alguno de los dos países adopte cualquier medida que, aún no siendo contraria a las cláusulas de este Convenio, sea considerada por el Gobierno del otro país como medida que tienda a anular o perjudicar cualquiera de los objetos del Convenio, el Gobierno que haya adoptado tal medida considerará las peticiones y propuestas que el otro Gobierno pueda hacer y le dará adecuada oportunidad de consulta con la mira de llegar a un arreglo mutuamente satisfactorio del punto en cuestión.

2. El Gobierno de cada uno de los dos países otorgará benévolamente consideración a las observaciones que haga el otro Gobierno y a su solicitud le concederá las oportunidades adecuadas en relación con las peticiones que pueda hacerle respecto a la aplicación de reglamentaciones de aduanas, control de cambio extranjero, restricciones cuantitativas o aplicación de las mismas, observancia de formalidades aduaneras y aplicación de leyes sanitarias y disposiciones para la protección de la vida o sanidad humana, animal o vegetal.

3. If agreement is not reached after due consultation as described above, either Government shall be free to terminate this Agreement in whole or in part on thirty days' written notice.

4. Greater than nominal penalties shall not be imposed by Canada or Colombia in connection with the importation of articles the growth, produce or manufacture of the other country because of errors in documentation which are obviously clerical in origin or with regard to which good faith can be established.

Article VI

1. Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against the other country in favour of any other foreign country, and without prejudice to the provisions of paragraphs 1 and 2 of Article V, the provisions of this Agreement shall not extend to prohibitions or restrictions:

- (a) relating to public security;
- (b) imposed for the protection of public health or on moral or humanitarian grounds;
- (c) imposed for the protection of plants or animals, including measures for protection against disease, degeneration or extinction as well as measures taken against harmful seeds, plants or animals;
- (d) relating to prison-made goods;
- (e) relating to the enforcement of police laws or regulations; or
- (f) imposed for the protection of national treasures of artistic, historic or archaeological value.

2. Nothing in this Agreement shall be construed to prevent the adoption or enforcement of such measures as the Government of either country may see fit to adopt:

- (a) relating to the importation or exportation of gold or silver; or
- (b) relating to the control of the import or export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

3. It is understood that the provisions of this Agreement relating to laws and regulations affecting the sale, taxation or use of imported articles within Canada and Colombia are subject to the constitutional limitations on the authority of the Governments of the respective countries.

Article VII

1. The advantages now accorded, or which may hereafter be accorded, by Canada or Colombia to adjacent countries in order to facilitate frontier traffic, and advantages accorded by virtue of a customs union to which either country may become a party, shall be excepted from the operation of this Agreement.

2. The advantages now accorded, or which may hereafter be accorded, by Canada exclusively to other territories under the sovereignty of His Majesty the King of Great Britain, Ireland, and the British dominions beyond the seas, Emperor of India, or under His Majesty's suzerainty, protection or mandate, shall be excepted from the operation of this Agreement. The advantages now accorded, or which may hereafter be accorded, by Colombia exclusively to contiguous countries and Bolivia, shall be excepted in like manner from the operation of this Agreement.

3. Si no se llegare a un acuerdo después de la debida consulta, conforme a lo dispuesto anteriormente, cualquiera de los dos Gobiernos, quedará en libertad para dar por terminado, en su totalidad o en parte, este Acuerdo, dando aviso escrito con treinta días de anticipación.

4. Ni el Canadá ni Colombia impondrán mayores multas que las equitativas, en relación con la importación de artículos cultivados, producidos o manufacturados en el otro país, por causa de errores en la documentación, obviamente imputables a involuntarios descuidos de subalternos y respecto a los cuales se pueda establecer la buena fé.

Artículo VI

1. Con sujeción al requisito de que, en igualdad de circunstancias y condiciones similares, no habrá ninguna discriminación arbitraria por ninguno de los dos países contra el otro y en favor de otro país extranjero, y sin perjuicio de las disposiciones contenidas en los párrafos 1 y 2 del Artículo V las disposiciones de este Convenio no se aplicarán a prohibiciones o restricciones:

- a) relativas a la seguridad pública;
- b) impuestas para la protección de la salubridad pública o por razones morales o humanitarias;
- c) impuestas para la protección de plantas o animales, incluso medidas de protección contra enfermedad, degeneración o extinción, así como medidas tomadas contra semillas, plantas o animales dañinos;
- d) relativas a objetos fabricados en prisiones;
- e) relativas al cumplimiento de leyes y de reglamentos de policía fiscales;
- f) impuestas para la protección de tesoros nacionales de valor artístico, histórico o arqueológico.

2. Nada de lo contenido en el presente Convenio se interpretará como impedimento para expedir o aplicar medidas que el Gobierno de cualquiera de los dos países juzgue oportuno adoptar:

- a) sobre la importación o exportación de oro o plata; y
- b) sobre el control de la importación, exportación, o venta para la exportación de armas, municiones o instrumentos de guerra y, en circunstancias excepcionales, de cualesquiera otros suministros militares.

3. Queda entendido que las disposiciones de este Convenio relativas a leyes y reglamentos que afecten la venta, tasación o uso de artículos importados dentro del Canadá o de Colombia, están sujetas a las limitaciones constitucionales de la facultad de los Gobiernos de los respectivos países.

Artículo VII

1. Las ventajas ya concedidas o que en lo futuro puedan concederse por Canadá o Colombia a países adyacentes con la mira de facilitar el tráfico fronterizo y las ventajas resultantes de una unión aduanera de la que uno u otro país pueda llegar a formar parte, quedarán exceptuadas de la aplicación de este Convenio.

2. Las ventajas ya concedidas o que en lo futuro puedan concederse por el Canadá exclusivamente a otros territorios bajo la soberanía de Su Majestad, el Rey de la Gran Bretaña, Irlanda y dominios británicos allende los Mares, Emperador de la India, o bajo el señorío, protección o mandato de Su Majestad, serán exceptuados de la aplicación de este Convenio. Las ventajas ya concedidas o que en lo futuro conceda Colombia exclusivamente a países limítrofes y a Bolivia, quedarán de igual manera exceptuadas de la aplicación de este Convenio.

Article VIII

1. The present Agreement shall be submitted for legislative approval in both countries and the instruments of ratification shall be exchanged at Ottawa as soon as possible. The Agreement shall come into force thirty days after the exchange of ratifications and shall remain in force for a period of two years. In case neither Government shall have given to the other Government, at least six months before the expiration of the aforesaid period, notice of intention to terminate the Agreement, it shall continue in force for a further period of one year and for further successive periods of one year each, until such time as the Government of either country shall have given to the other Government, at least six months before the expiration of one of the aforesaid periods, notice of intention to terminate the Agreement.

In witness whereof, the above-mentioned Plenipotentiaries sign and seal this Agreement, in duplicate in English and Spanish, at the City of Bogotá, this twentieth day of February, nineteen hundred and forty-six.

(Seal) JAS. A. MacKINNON.

(Seal) FERNANDO LONDOÑO.

Artículo VIII

El presente Convenio se someterá a la aprobación legislativa de ambos países y los instrumentos de ratificación se canjeean en Ottawa tan pronto como sea posible. El Convenio entrará en vigor treinta días después del canje de ratificaciones y tendrá vigencia durante el término de dos años. En caso de que alguno de los Gobiernos no haya notificado al otro, seis meses por lo menos antes de la expiración del indicado plazo, su intención de terminar el Convenio, éste seguirá en vigor durante un período adicional de un año y durante períodos adicionales de un año cada uno, hasta que el Gobierno de uno cualquiera de los dos países haya dado al otro aviso, seis meses por lo menos antes de la expiración de uno de los plazos indicados, de su intención de terminar el Convenio.

En testimonio de lo cual, los Plenipotenciarios arriba nombrados firman y sellan el presente, en duplicado, en los idiomas inglés y español, en la ciudad de Bogotá, a los veinte días del mes de Febrero de mil novecientos cuarenta y seis.

(Sello) JAS. A. MacKINNON.

(Sello) FERNANDO LONDOÑO.

Gov. Doc
Can
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CANADA

TREATY SERIES, 1946
No. 8

INTERIM AGREEMENT

TO REGULATE
THE USE OF THE STANDARD BROADCAST BAND
IN THE NORTH AMERICAN REGION

Signed at Washington, February 25, 1946

EFFECTIVE AS FROM MARCH 29, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G./B.A., I.P.K.
KING'S PRINTER AND CONTROLLER OF STATIONERY
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**INTERIM AGREEMENT (MODUS VIVENDI), CONCLUDED AT THE
SECOND NORTH AMERICAN REGIONAL BROADCASTING
CONFERENCE, TO REGULATE THE USE OF THE STANDARD
BROADCAST BAND IN THE NORTH AMERICAN REGION.**

The undersigned, duly authorized representatives of the Governments of Canada, Cuba, the Dominican Republic, His Majesty's Government in the United Kingdom in respect of the Bahama Islands, His Majesty's Government in the United Kingdom and the Government of Newfoundland in respect of Newfoundland, the United Mexican States, and the Government of the United States of America, meeting in Washington, D.C., at the Second North American Regional Broadcasting Conference from February 4 to 25, 1946, for the purpose of considering the problems incident to the expiration on March 28, 1946, of the North American Regional Broadcasting Agreement*, signed in Habana, Cuba, on December 13, 1937, as well as improvements in the use of the standard broadcast band in the North American Region, agree:

ARTICLE I

To continue, during the interim period described in Article XVII hereof, the application within their respective jurisdictions of all the provisions of the North American Regional Broadcasting Agreement signed at Habana, December 13, 1937, subject to the modifications and additions hereinafter stipulated.

ARTICLE II

Parts V and VI of the North American Regional Broadcasting Agreement, Habana, 1937, are hereby expressly made inapplicable to this Interim Agreement.

ARTICLE III

Cuba agrees to relinquish to the United States of America the use of the clear channel 1540 kc with Class I-A privileges in exchange for the use of the frequency 640 kc in the manner stipulated in Annex 1 hereof.

ARTICLE IV

Cuba shall have the right to use the additional broadcasting facilities detailed in Annex 1 hereof with the power, and under the conditions of operation and limitations specified therein. The so-called 650-mile rule contained in Part II, C, Section 4, paragraph B, of the North American Regional Broadcasting Agreement, Habana, 1937, shall not be applicable to Cuba in connection with the use of these frequencies in Annex 1 hereof.

ARTICLE V

Cuba shall have the right to operate Special Class II stations on the regional frequencies described in Annex 2, with the power and under the conditions of operation and limitations specified therein.

*For the text of the Agreement, see *Canada Treaty Series, 1941*, No. 3.

**CONVENIO INTERINO (MODUS VIVENDI) CONCERTADO EN LA
SEGUNDA CONFERENCIA REGIONAL NORTEAMERICANA DE
RADIODIFUSIÓN PARA REGULAR EL USO DE LA BANDA
NORMAL DE RADIODIFUSIÓN EN LA REGIÓN NORTE-
AMERICANA.**

Los infrascritos, representantes debidamente autorizados de los Gobiernos de Canadá, Cuba, la República Dominicana, el Gobierno de Su Majestad en el Reino Unido respecto de las Islas Bahamas, el Gobierno de Su Majestad en el Reino Unido y el Gobierno de Terranova con respecto a Terranova, los Estados Unidos Mexicanos y los Estados Unidos de América, reunidos en Washington, D.C., en la Segunda Conferencia Regional Norteamericana de Radiodifusión, del 4 al 25 de febrero de 1946, a fin de considerar los problemas inherentes a la expiración, el 28 de marzo de 1946, del Convenio Regional Norteamericano de Radiodifusión, firmado en La Habana, Cuba, el 13 de diciembre de 1937, así como la mejoría en el uso de la banda normal de radiodifusión en la Región Norteamericana,

ACUERDAN

ARTÍCULO I

Continuar aplicando, dentro de sus respectivas jurisdicciones, durante el período provisional descrito en el Artículo XVII de este instrumento, todas las disposiciones administrativas y normas de ingeniería del Convenio Regional Norteamericano de Radiodifusión firmado en La Habana el 13 de diciembre de 1937, sujeto a las modificaciones y adiciones estipuladas más adelante.

ARTÍCULO II

Las Partes V y VI del Convenio Regional Norteamericano de Radiodifusión, Habana, 1937, serán inaplicables a este Convenio Interino.

ARTÍCULO III

Cuba está de acuerdo en ceder a los Estados Unidos de América, el uso del canal despejado de 1540 kc. para estación Clase I-A, a cambio de la frecuencia de 640 kc., en la forma estipulada en el Anexo 1 de este instrumento.

ARTÍCULO IV

Cuba tendrá derecho a usar las facilidades adicionales de radiodifusión detalladas en el Anexo 1 de este instrumento, con la potencia y bajo las condiciones de operación y limitaciones especificadas en el mismo. La llamada regla de las 650 millas, contenida en la Parte II, C, Sección 4, párrafo B, del Convenio Regional Norteamericano de Radiodifusión, Habana, 1937, no será aplicable a Cuba en relación con el uso de las frecuencias relacionadas en el Anexo 1.

ARTÍCULO V

Cuba tendrá derecho a operar estaciones de la Clase II Especiales en las frecuencias regionales descritas en el Anexo 2, con la potencia y bajo las condiciones de operación y limitaciones especificadas en el mismo.

ARTICLE VI

The Government of the Bahama Islands will cease all operations on the frequency of 640 kc not later than August 1, 1946. On or before June 1, 1946, the Government of the Bahama Islands shall notify directly the Government of Cuba the exact date on which it will cease using the said frequency.

ARTICLE VII

The United States of America agrees to the assignment of the frequency 1540 kc with Class I-A protection in accordance with the North American Regional Broadcasting Agreement, Habana, 1937, to the Government of the Bahama Islands subject to the terms of this Agreement.

The United States of America further agrees to collaborate with the Government of the Bahama Islands, after tests have been conducted on 1540 kc or other frequencies which may be suggested by the United States, with a view to determining whether the 1540 frequency or some other frequency should be substituted in the Bahama Islands for 640 kc.

ARTICLE VIII

The Governments parties to this Agreement shall co-operate to minimize interference to their respective services. Recognizing that propagation over sea water is superior to over-land propagation and that the present standards do not adequately take into account conditions of this nature, the Governments parties to this Agreement agree to co-operate with a view to minimizing interference in the event that sky wave signals intensities exceed the values stipulated in this instrument.

ARTICLE IX

Except as herein specifically provided, nothing contained in this Interim Agreement shall limit or restrict the use of any clear channel assigned under the North American Regional Broadcasting Agreement, Habana, 1937, for use by Class I-A stations in the country in which such stations may be located.

ARTICLE X

The Governments parties hereto undertake to apply the provisions of this Interim Agreement and to take the steps necessary to enforce said provisions upon the operating agencies recognized or authorized by them to establish and operate broadcast stations within their respective countries.

ARTICLE XI

Notifications of a complete list of all broadcasting stations in the standard broadcast band actually in operation in each country having been made and accepted without objection on the part of any Government pursuant to Part III of the North American Regional Broadcasting Agreement, Habana, 1937, and of changes similarly made and accepted during the life of said Agreement, the signatories and adherents hereto will continue to recognize these notifications, including the specific changes and modifications, contained in this instrument.

ARTÍCULO VI

El Gobierno de las Islas Bahamas cesará toda operación en la frecuencia de 640 kc. a más tardar el primero de agosto de 1946. El Gobierno de las Islas Bahamas notificará directamente al Gobierno de Cuba, en o antes del día primero de junio de 1946, la fecha exacta en que dejará de usar dicha frecuencia.

ARTICULO VII

Los Estados Unidos de América están de acuerdo en asignar la frecuencia de 1540 kc. con protección Clase I-A, de conformidad con el Convenio Regional Norteamericano de Radiodifusión, Habana, 1937, al Gobierno de las Islas Bahamas, con sujeción a las estipulaciones de este Convenio.

Los Estados Unidos de América están de acuerdo además, en colaborar con el Gobierno de las Islas Bahamas, después de que se hayan realizado pruebas en 1540 kc. o en otras frecuencias que pueden ser sugeridas por los Estados Unidos de América, con miras a determinar si la frecuencia de 1540 kc. o alguna otra frecuencia podría substituir, en las Islas Bahamas, la de 640 kc.

ARTÍCULO VIII

Los Gobiernos parte de este Convenio cooperarán para reducir al mínimo las interferencias a sus servicios respectivos. Reconociendo que la propagación sobre el mar es superior a la propagación sobre tierra y que las normas de ingeniería actuales no toman en cuenta de manera apropiada condiciones de esta naturaleza, los Gobiernos están de acuerdo en cooperar para reducir a un mínimo las interferencias, en caso de que las intensidades de la señal reflejada excedan de los valores estipulados en este Convenio.

ARTÍCULO IX

Salvo lo estipulado específicamente en este Convenio Interino, los Gobiernos signatarios están de acuerdo en que nada de lo que él contiene limitará o restringirá el uso de cualquier canal despejado, asignado por el Convenio Regional Norteamericano de Radiodifusión, Habana, 1937, para uso de estaciones Clase I-A en el país en el cual puedan estar ubicadas dichas estaciones.

ARTÍCULO X

Los Gobiernos signatarios y adheridos a este Convenio se comprometen a aplicar las disposiciones del mismo y a tomar las medidas necesarias para que las empresas particulares reconocidas o autorizadas por ellos para establecer y operar estaciones radiodifusoras dentro de sus países respectivos, cumplan dichas disposiciones.

ARTÍCULO XI

Las notificaciones contenidas en una lista completa de las estaciones radiodifusoras en la banda normal de radiodifusión actualmente en operación en cada país y que hayan sido hechas y aceptadas sin objeción por parte de los expresados Gobiernos de acuerdo con la Parte III del Convenio Regional Norteamericano de Radiodifusión, Habana, 1937, así como los cambios igualmente hechos y aceptados durante la vigencia de dicho Convenio, los continuarán reconociendo los signatarios y adheridos a este Convenio Interino, sujeto a los cambios y modificaciones específicos estipulados en este instrumento.

ARTICLE XII

A permanent North American Regional Broadcasting Engineering Committee composed of four experts, one each from Canada, Cuba, Mexico, and the United States, shall be established for the purpose of determining facts and making recommendations thereon which will enable Governments to comply with the technical provisions of this Agreement to their mutual satisfaction. The organization, duties, and procedures of the committee shall be governed by Annex 3.

ARTICLE XIII

In order to conclude a new North American Regional Broadcasting Agreement at the earliest possible date, the signatory Governments will

A. Commence immediately the necessary studies for the conclusion of such an Agreement.

B. Exchange views following their respective studies. For this purpose each Government shall, on or before October 1, 1946, submit to the Inter-American Radio Office, twelve copies of its conclusions together with supporting data.

C. Hold a meeting of their technicians in Habana, Cuba, on or about January 2, 1947, preparatory to the Third North American Regional Broadcasting Conference, who shall examine the technical aspects of the documents communicated by the interested Governments. A joint report of their findings, views and recommendations shall be circulated to the Governments by the Inter-American Radio Office not later than March 1, 1947.

D. Communicate to the other Governments through the Inter-American Radio Office, before June 1, 1947, after consideration of this joint report, their proposals for the Third North American Regional Broadcasting Conference.

ARTICLE XIV

The preparation and circulation of the agenda for the Third North American Regional Broadcasting Conference not later than August 1, 1947, shall be the responsibility of the Inter-American Radio Office.

ARTICLE XV

The Government of Canada shall be in charge of the organization and convocation of the Third North American Regional Broadcasting Conference, which shall be held in Canada on or about September 15, 1947.

ARTICLE XVI

This Interim Agreement shall be considered in connection with the provisions of the North American Regional Broadcasting Agreement, Habana, 1937, but in case of conflict the terms of this Interim Agreement shall prevail.

ARTICLE XVII

This Interim Agreement shall be in force for a period of three years commencing March 29, 1946, unless before its expiration there shall be signed and ratified a new North American Regional Broadcasting Agreement.

ARTICULO XII

Se establecerá un Comité Regional Norteamericano de Ingeniería de Radiodifusión compuesto de cuatro técnicos, uno de Canadá, uno de Cuba, uno de México y uno de los Estados Unidos de América, con el objeto de determinar hechos y hacer recomendaciones pertinentes que capaciten a los Gobiernos para cumplir las disposiciones de este Convenio, para su mutua satisfacción. La organización, deberes y procedimientos de este Comité serán regidos por el Anexo 3.

ARTICULO XIII

Con objeto de concertar un nuevo Convenio Regional Norteamericano de Radiodifusión en la fecha más próxima posible, los Gobiernos signatarios:

A. Iniciarán inmediatamente los estudios necesarios para la concertación de dicho Convenio.

B. Intercambiarán sus puntos de vista, una vez terminados sus estudios respectivos. Para este fin, cada Gobierno enviará a la Oficina Interamericana de Radio el primero de octubre de 1946, o antes de esa fecha, doce copias de sus conclusiones y datos que las fundamenten.

C. Celebrarán en la ciudad de La Habana, Cuba, una reunión de sus técnicos alrededor del día 2 de enero de 1947, en preparación de la Tercera Conferencia Regional Norteamericana de Radiodifusión, quienes examinarán los aspectos técnicos de los documentos presentados por los Gobiernos interesados. El informe general de los técnicos sobre sus puntos de vista, conclusiones y recomendaciones se hará circular entre los Gobiernos por la Oficina Interamericana de Radio, a más tardar el primero de marzo de 1947.

D. Comunicarán a los demás Gobiernos, a través de la Oficina Interamericana de Radio, después de considerar el informe general, y antes del primero de junio de 1947, sus proposiciones en relación con la Tercera Conferencia Regional Norteamericana de Radiodifusión.

ARTÍCULO XIV

La Oficina Interamericana de Radio será la encargada de preparar y hacer circular, a más tardar el primero de agosto de 1947, la Agenda para la Tercera Conferencia Regional Norteamericana de Radiodifusión.

ARTÍCULO XV

El Gobierno del Canadá tendrá a su cargo la organización y convocatoria de la Tercera Conferencia Regional Norteamericana de Radiodifusión, que tendrá lugar en Canadá alrededor del día 15 de septiembre de 1947.

ARTÍCULO XVI

Este Convenio Interino se aplicará en conexión con las disposiciones del Convenio Regional Norteamericano de Radiodifusión, Habana, 1937; pero, en caso de conflicto, prevalecerán las estipulaciones de este Convenio Interino.

ARTÍCULO XVII

Este Convenio Interino regirá por un período de tres años, a partir del 29 de marzo de 1946, a menos que, antes de su expiración, se haya firmado y ratificado un nuevo Convenio Regional Norteamericano de Radiodifusión.

ARTICLE XVIII

This Interim Agreement shall remain open for signature by the Government of the Republic of Haiti, a signatory to the North American Regional Broadcasting Agreement, Habana, 1937.

IN WITNESS WHEREOF the respective representatives have signed this Interim Agreement in duplicate, one in English and one in Spanish, each of which shall remain deposited in the archives of the Government of Cuba and a certified copy of each of which shall be forwarded to each Government.

DONE at Washington, this 25th day of February, 1946.

(Here follow the names of the representatives of Canada, Cuba, the Dominican Republic, the Bahama Islands, Newfoundland, Mexico (with reservation in regard to Article XII), the United States of America, Haiti.)*

*The representative of Haiti signed on December 18, 1946.

ARTICULO XVIII

Este Convenio Interino estará abierto a la firma del Gobierno de la República de Haití, signatario del Convenio Regional Norteamericano de Radiodifusión, Habana, 1937.

EN TESTIMONIO DE LO CUAL, los representantes, debidamente autorizados por sus respectivos Gobiernos, firman este Convenio, cuyo texto ha sido redactado en español e inglés. Ambos textos quedarán depositados en los archivos del Gobierno de Cuba y se remitirá una copia certificada de cada uno de ellos a los Gobiernos contratantes.

HECHO en Washington, D.C., a 25 de febrero de 1946.

ANNEX 1*Use by Cuba of Clear Channels*

Cuba may operate Class II unlimited time stations on the following clear channels assigned to Class I-A stations in other countries, subject to the conditions of operation, power and limitations hereinafter specified:

Frequency (kc)	Location	Maximum Power at Night	Type of Antenna	Limitation to specified contour or maximum radiation (mv/m unattenuated field at one mile) in direction indicated
640 (U.S.)	Province of Habana	25 kw	Directional	225—Los Angeles, California, See* 392—U.S. Class II Stations. 500—St. John's, Newfoundland. The interfering signal at this station's 0.477 mv/m 50% sky wave contour shall not exceed 0.025 mv/m 10% of the time.
670 (U.S.)	Province of Oriente	1 kw	Directional	45—Chicago, Illinois. See*.
690 (Canada)	Province of Habana	25 kw	Directional	Signal at Canadian Border shall not exceed 0.039 mv/m 10% of the time. Maximum limitation 2.5 mv/m to XEN.
730 (Mexico)	Province of Oriente	10 kw	Directional	175—Cabo Catoche, Quintana Roo. See**. Maximum limitation to CKAC, Montreal, Quebec 2.5 mv/m ground wave contour.
740 (Canada)	Province of Habana	10 kw	Directional	Signal at Canadian Border shall not exceed 0.050 mv/m 10% of the time. Maximum limitation to KTRH at Houston, Texas, 2.25 ground wave contour.
800 (Mexico)	Province of Oriente	250 w	Non-Directional	75—Cabo Catoche, Quintana Roo. See***. Maximum limitation of 2.5 mv/m ground wave contour of CHRC, Quebec, Quebec; CJAD, Montreal, Quebec; CKLW, Windsor, Ontario; CHAB, Moose Jaw, Saskatchewan.
830 (U.S.)	Province of Habana	1 kw	Directional	42—Minneapolis, Minnesota. See*.
850 (U.S.)	Province of Oriente	2 kw	Non-Directional	200—Denver, Colorado. See*.
860 (Canada)	Province of Habana	15 kw	Directional	Signal at Canadian Border shall not exceed 0.030 mv/m 10% of the time.
890 (U.S.)	Province of Camaguey.	1 kw	Directional	35—Chicago, Illinois. See*.

*The interfering signal shall not exceed 0.025 mv/m 10% of the time at night at the present 0.4 mv/m 50% contour of the respective U.S. Class I-A stations.

**In any case, in order to prevent objectionable interference, the station at Holguin must reduce radiation so as not to exceed 10% of the time, one twentieth of the signal of XEX at any point in Mexico.

***In any case, in order to prevent objectionable interference, the station at Oriente must reduce radiation so as not to exceed 10% of the time, one twentieth of the signal of XELO at any point in Mexico.

ANEXO 1

Uso por Cuba de Canales Despejados

Cuba podrá operar estaciones Clase II sin limitación de tiempo en los siguientes canales despejados asignados a estaciones Clase I-A en otros países, con sujeción a las condiciones de operación, potencia y limitaciones que se especifican a continuación.

Frecuencia (kc)	Ubicación	Potencia Máxima Nocturna (kw)	Tipo de Antena	Limitación al contorno especificado o radiación máxima (mv/m sin atenuación a una milla) en la dirección indicada
640 E.U.A.	Provincia Habana	25	Direccional	225—Los Angeles, California, Véase*. 392—Estaciones Clase II de E.U. 500—De San Juan, Terranova. La señal interferente al contorno de 0.477 mv/m onda reflejada 50 o/o del tiempo, de esta estación, no deberá exceder de 0.025 mv/m, 10 o/o del tiempo.
670 E.U.A.	Provincia Oriente.	1	Direccional	45—Chicago, Illinois, Véase*.
690 Canadá	Provincia Habana	25	Direccional	La señal en la frontera canadiense no debe exceder de 0.039 mv/m, 10 o/o del tiempo. Máxima limitación a XEN de 2.5 mv/m.
730 México	Provincia Oriente	10	Direccional	175—Cabo Catoche, Quintana Roo, Véase**, Máxima limitación a CKAC, Montreal, Quebec 2.5 mv/m, contorno de onda terrestre.
740 Canadá	Provincia Habana	10	Direccional	La señal en la frontera canadiense no deberá exceder de 0.050 mv/m, 10 o/o del tiempo. Limitación máxima a KTRH, Houston, Texas, 2.25 mv/m, contorno de onda terrestre.
800 México	Provincia Oriente	250 w	No direccional	75—Cabo Catoche, Quintana ROO, Véase*** Limitación máxima a 2.5 mv/m contorno de onda terrestre, de CHRC, Quebec; CJAD, Montreal, Quebec; CKLW, Windsor, Ontario; CHAB, Moose Jaw, Saskatchewan.
830 E.U.A.	Provincia Habana	1	Direccional	42—Minneapolis, Minnesota, Véase*.
850 E.U.A.	Provincia Oriente	2	No direccional	200—Denver, Colorado, Véase*.
860 Canadá	Provincia Habana	15	Direccional	La señal en la frontera canadiense no deberá exceder de 0.030 mv/m, 10 o/o del tiempo.
890 E.U.A	Provincia Camagüey	—1	Direccional	35—Chicago, Illinois, Véase*.

*La señal interferente no deberá exceder de 0.025 mv/m, 10 o/o del tiempo durante la noche, respecto del actual contorno de 0.4 mv/m, 50 o/o del tiempo, de las respectivas estaciones Class I-A de E.U.

**En cualquier caso, con objeto de prevenir interferencia objetable, la estación en Holguín deberá reducir su radiación de manera que no exceda, durante 10 o/o del tiempo, la vigésima parte de la señal de XEX en cualquier punto de México.

***En cualquier caso, con objeto de prevenir interferencia objetable, la estación en Oriente deberá reducir su radiación de manera que no exceda, durante el 10 o/o del tiempo, la vigésima parte de la señal de XELO en cualquier punto de México.

ANNEX 2

*Use by Cuba of Special Class II Stations
On Regional Channels*

In addition to others specified in Table V, Appendix I, of the North American Regional Broadcasting Agreement, Cuba may operate Special Class II stations on the following Regional Channels, subject to the conditions of operation, power and limitations hereinafter specified:

Frequency (kc)	Location	Maximum Power at Night	Type of Antenna	Maximum limitations to Class III Stations to the contour indicated below	
590	Province of Habana	25 kw	Directional	Uniontown, Pennsylvania..... Austin, Texas..... Kalamazoo, Michigan..... Omaha, Nebraska..... Boston, Massachusetts..... Mexico, D.F.....	(WMBS) 1.6 mv/m (KTBC) 3.0 mv/m (WKZO) 1.12 mv/m (WOW) 1.0 mv/m (WEI) 1.0 mv/m (XEPPH) 1.83 mv/m
600	Province of Oriente	10 kw	Directional	Winston Salem, North Carolina..... Memphis, Tennessee..... Baltimore, Maryland..... Bridgeport, Connecticut..... Merida, Yucatan.....	(WSJS) 1.7 mv/m (WREC) 0.9 mv/m (WCAO) 1.0 mv/m (WICC) 1.0 mv/m (XEZ) 1.80 mv/m
630	Province of Santa Clara	25 kw	Directional	Washington, D.C..... St. Louis, Missouri..... Providence, Rhode Island..... Monterrey, Nuevo Leon.....	(WMAL) 1.0 mv/m (KXOK) 1.04 mv/m (WPRO) 1.0 mv/m (XEFB) 2.5 mv/m
790	Province of Habana	2 kw	Non-Directional	Memphis, Tennessee..... Norfolk, Virginia..... Mexico, D.F.....	(WMC) 1.6 mv/m (WTAR) 1.4 mv/m (XERC) 1.0 mv/m
790	Province of Habana	10 kw	Directional	Richmond, Virginia..... Johnson City, Tennessee..... Meridian, Mississippi.....	(WRNL) 2.35 mv/m (WJHL) 3.48 mv/m (WCOC) 5.60 mv/m
920	Province of Camaguey	10 kw	Directional	Providence, Rhode Island..... Fairmont, West Virginia..... Atlanta, Georgia..... Little Rock, Arkansas..... Hermosillo, Sonora.....	(WJAR) 1.0 mv/m (WMMN) 1.1 mv/m (WGST) 2.4 mv/m (KARK) 1.0 mv/m (XEHB) 1.0 mv/m
950	Province of Habana	2 kw	Non-Directional	Houston, Texas..... Spartanburg, South Carolina..... Ciudad Trujillo, D.R.....	(KPRC) 1.7 mv/m (WSPA) 2.5 mv/m (HIX) 2.4 mv/m
960	Province of Camaguey	2 kw	Non-Directional	Roanoke, Virginia..... Birmingham, Alabama..... Nuevo Laredo, Tamaulipas..... Veracruz, Veracruz.....	(WDBJ) 1.2 mv/m (WBRC) 1.6 mv/m (XEFE) 1.0 mv/m (XEU) 1.0 mv/m

*Cuba agrees to make every effort to reduce as much as possible the interference to the three above U.S. Class III stations using this Regional Channel.

ANEXO 2

*Uso por Cuba de Estaciones Clase II Especiales
en Canales Regionales*

Además de las estaciones especificadas en la Tabla V, Apéndice I, del Convenio Regional Norteamericano de Radiodifusión, Habana, 1937, Cuba podrá operar las siguientes estaciones Clase II Especiales en canales regionales, con sujeción a las condiciones de operación, potencia y limitaciones que se detallan a continuación.

Fre- cuencia (kc)	Ubicación	Potencia Máxima Nocturna (kw)	Tipo de Antena	Limitación máxima a estaciones Clase III al Con- torno Indicado Abajo
590	Provincia Habana	25	Direccional	Uniontown, Pennsylvania..... (WMBS) 1·6 mv/m Austin, Texas..... (KTBC) 3·0 mv/m Kalamazoo, Michigan..... (WKZO) 1·12 mv/m Omaha, Nebraska..... (WOW) 1·0 mv/m Boston, Massachusetts..... (WEEI) 1·0 mv/m México, D.F..... (XEPh) 1·83 mv/m
600	Provincia Oriente	10	Direccional	Winston Salem, North Caro- lina..... (WSJS) 1·7 mv/m Memphis, Tennessee..... (WREC) 0·9 mv/m Baltimore, Maryland..... (WCAO) 1·0 mv/m Bridgeport, Connecticut..... (WICC) 1·0 mv/m Mérida, Yucatán..... (XEZ) 1·80 mv/m
630	Provincia Santa Clara	25	Direccional	Washington, D.C..... (WMAL) 1·0 mv/m St. Louis, Missouri..... (KXOK) 1·04 mv/m Providence, Rhode Island..... (WPRO) 1·0 mv/m Monterrey, Nuevo León..... (XEFB) 2·5 mv/m
790	Provincia Habana	2	No direccional	Memphis, Tennessee..... (WMC) 1·6 mv/m Norfolk, Virginia..... (WTAR) 1·4 mv/m México, D.F..... (XERC) 1·0 mv/m
910*	Provincia Habana	10	Direccional	Richmond, Virginia..... (WRNL) 2·35 mv/m Johnson City, Tennessee..... (WJHL) 3·48 mv/m Meridian, Mississippi..... (WCOC) 5·60 mv/m
920	Provincia Camagüey	10	Direccional	Providence, Rhode Island..... (WJAR) 1·0 mv/m Fairmont, West Virginia..... (WMMN) 1·1 mv/m Atlanta, Georgia..... (WGST) 2·4 mv/m Little Rock, Arkansas..... (KARK) 1·0 mv/m Hermosillo, Sonora..... (XEBH) 1·0 mv/m
950	Provincia Habana	2	No direccional	Houston, Texas..... (KPRC) 1·7 mv/m Spartanburg, South Carolina..... (WSPA) 2·5 mv/m
960	Provincia Camagüey	10	Direccional	Ciudad Trujillo, R.D..... (HIX) 2·4 mv/m
		2	No direccional	Roanoke, Virginia..... (WDBJ) 1·2 mv/m Birmingham, Alabama..... (WBRC) 1·6 mv/m
		10	Direccional	Nuevo Laredo, Tamaulipas..... (XEFE) 1·0 mv/m Veracruz, Veracruz..... (XEU) 1·0 mv/m

*Cuba está de acuerdo en esforzarse para reducir en lo posible la interferencia producida a las tres estaciones Clase III de los Estados Unidos que usan el canal regional de 910 kc.

ANNEX 3*North American Regional Broadcasting
Engineering Committee*

A. The members of this Committee shall be appointed by their respective Governments under such circumstances and for such periods as each may decide. The first meeting of the Committee shall be convened before June 1, 1946 by the member appointed by the United States of America for the purpose of electing a chairman, and of adopting rules of practice and procedure to be followed in the performance of the functions hereinafter set forth. These rules shall include detailed requirements as to the methods of measurements, and other matters of importance to the Committee. The rules will be distributed to all interested Governments.

B. This Committee shall, whenever a request is made by any signatory or adherent to this Agreement, perform the following duties:

1. Inspect new installations or changes in existing facilities prior to regular operation to insure that adequate provision is made to prevent radiation toward other countries in excess of the acceptable maximum.
2. Investigate whenever observed interference indicates the possibility of maladjustments of radio transmitting equipment, and recommend adjustments or modification to insure that the specified radiation in pertinent directions is not exceeded.
3. Investigate whenever observed interference indicates the possibility of other maladjustments of transmitting equipment resulting in objectionable interference from causes such as excessive frequency deviation, excessive modulation, spurious emissions, or other causes and to recommend all necessary adjustments or modifications to eliminate such interference.

C. Upon receipt of a notification for construction of a new station or changes in facilities of an existing station in another country, any Government receiving such notice may request that prior to regular operation there shall be an inspection by the North American Regional Broadcasting Engineering Committee. As construction nears completion, but prior to operation, the Government of the country in which the station is located shall notify the Government of the country requesting the inspection that the installation is ready for inspection. The representatives of these Governments on the Engineering Committee will then make immediate arrangements for inspection of the facilities.

D. When any Government signatory or adhering to this Agreement has reason to believe that interference in excess of that permitted by this Agreement is being caused to any station located in that country as a result of the operation of a station located in another country signatory or adhering to this Agreement, such Government shall notify its representative on the North American Regional Broadcasting Engineering Committee and the Government of the country in which the alleged interfering station is located that it has reason to believe that excessive interference is being caused and shall state the general character of such interference. On receipt of the notice, the Government to which it is addressed will refer the same to its committee member. Within ten days the interested committee members shall meet at the location of the alleged interfering station and make such measurements as appear necessary to determine material facts upon the issues raised in the complaint.

E. In the event the Government requesting an inspection or investigation or the Government of a country in which an inspection or investigation is

ANEXO 3

Comité Regional Norteamericano de Ingeniería de Radiodifusión

A. Los representantes ante este Comité serán nombrados por sus Gobiernos respectivos, bajo las condiciones y por los períodos que cada uno señale. La primera reunión de este Comité será convocada para celebrarse antes del primero de junio de 1946 por el representante de los Estados Unidos de América, con el fin de elegir un Presidente y de adoptar las reglas de práctica y procedimiento que deben seguirse para el desarrollo de las funciones que se especifican más adelante. Estas reglas incluirán requisitos detallados para los métodos de mediciones y para otros asuntos de importancia para el Comité. Las reglas serán distribuidas entre los Gobiernos interesados.

B. Cada vez que un Gobierno signatario o adherido a este Convenio lo solicite, el Comité llevará a cabo las siguientes funciones:

1. Inspeccionar nuevas instalaciones o cambios en las existentes, con anticipación al comienzo de su operación regular, para asegurar que se han tomado medidas adecuadas tendientes a impedir una radiación hacia otros países que sea superior al máximo aceptable.

2. Investigar, cuando la interferencia observada indique la posibilidad de malos ajustes del equipo transmisor de radio, y recomendar ajustes o modificaciones para asegurar que no se exceda la radiación especificada en las direcciones que sean del caso.

3. Investigar, cuando la interferencia observada indique la posibilidad de malos ajustes del equipo transmisor de radio que den por resultado interferencia objetable motivada por excesiva desviación de frecuencia, excesiva modulación, emisiones espurias u otras causas y recomendar los ajustes o modificaciones necesarios para eliminar dicha interferencia.

C. Al recibir de una notificación sobre la construcción de una nueva estación o de cambios a las existentes en otro país, cualquier gobierno que la reciba puede solicitar que, con anterioridad a la operación regular, se lleve a cabo una inspección por parte del Comité Regional Norteamericano de Ingeniería de Radiodifusión. Al aproximarse la terminación de la construcción, pero con anterioridad a su operación, el gobierno del país en donde esté ubicada la estación notificará al gobierno que solicita la inspección, que la instalación está lista para ese objeto. Los representantes de estos Gobiernos ante el Comité de Ingeniería harán entonces arreglos inmediatos para la inspección de la instalación.

D. Cuando cualquier gobierno signatario o adherido a este Convenio tenga alguna razón para creer que una interferencia superior a la permitida por este Convenio está siendo producida a una estación ubicada en su país, como consecuencia de la operación de una estación situada en otro país signatario o adherido al Convenio, dicho gobierno notificará a su representante ante el Comité Regional Norteamericano de Ingeniería de Radiodifusión y al gobierno del país en el cual esté situada la estación señalada como interferente, que hay razón para creer que se está causando interferencia excesiva y definirá el carácter general de tal interferencia. Al recibir del aviso, el gobierno al cual se dirige lo tornará a su representante en el Comité. Dentro de un plazo de diez días, los representantes interesados del Comité deberán reunirse en el lugar de ubicación de la estación señalada como interferente y realizarán aquellas mediciones que les parezcan necesarias para determinar hechos materiales que sostengan los puntos en que se basa la queja.

E. Cuando el gobierno que solicite una inspección o investigación, o cuando el gobierno de un país señalado para efectuar una inspección o investigación, no tenga un representante ante el Comité Regional Norteamericano de Ingeniería

requested does not have a representative on the North American Regional Broadcasting Engineering Committee, such Government shall designate a committee representative to serve for the particular case. In any case where neither Government is represented on the standing committee, both shall designate committee representatives for that purpose.

F. In making field intensity measurements or inspections, committee members shall be governed by the standards of good engineering practice accepted by the Committee.

G. Each committee member shall be individually provided by his Government with appropriate items of radio measuring equipment or apparatus properly calibrated in accordance with mutually acceptable standards.

H. Where examination shows that the construction referred to in Paragraph "C" hereof is in accordance with the notification, and that provisions have been made for protection in accordance with the notification, the Committee will so report to the Government of the country in which the station is located and at the same time communicate a copy of such report to the Government or Governments requesting the examination. Where the examination indicates that the construction is not in accordance with the notification, or that provisions have not been made for protection in accordance with the notification, the Committee shall make such report to the Governments together with recommendations as to changes of construction, modification, or adjustments of circuits necessary to comply fully with the notification.

I. Where measurements are made following a complaint by a signatory or adhering Government, the results of such measurements with recommendations of the Committee members shall be communicated forthwith to the interested Governments.

J. Upon receipt of a report that inspection of facilities shows that adequate provisions have not been made to prevent radiations in excess of the accepted maximum with recommendations as to measures necessary for correction, the Government of the country in which the facilities are located shall take steps to see that the necessary corrections or adjustments are made prior to operation of the facilities.

K. Upon receipt of a report indicating that interference investigated is, in fact, excessive, the Government of the country in which the interfering station is located shall immediately take steps providing for the elimination of such interference. If the interference found by the Committee cannot be eliminated within ten days by adjustments of equipment, the power of the offending station shall be reduced as much as is necessary to eliminate such interference.

L. Where the committee members of the interested Governments do not agree as to their report or recommendations relating to inspection of new or changed facilities, or upon the investigation of an interference complaint, each committee member shall make a complete report covering all material facts with respect to the matters under consideration and such recommendations as he may believe proper, transmitting the same immediately to the interested Governments. Copies of both reports shall be referred to the full committee. The full committee shall review the case and make such additional investigations as it may deem necessary and then report its findings and recommendations to the Governments of the stations concerned in the matter. Upon receipt of such recommendations, the Government of the country in which the facilities concerned are located shall take such steps as is necessary to comply with the recommendations of the committee. If the interference found by the committee cannot be eliminated within ten days by adjustments of equipment, the power of the offending station shall be reduced as much as is necessary to eliminate such interference.

de Radiodifusión, ese gobierno designará un representante ante el Comité que actúe para el caso particular. En la eventualidad de que ninguno de los dos gobiernos esté representado en el Comité, ambos designarán representantes ante dicho Comité para tomar parte en la inspección o investigación solicitada.

F. Al efectuar mediciones de intensidad de campo o inspecciones, los representantes ante el Comité se regirán por las normas de buena ingeniería aceptadas por el Comité.

G. Cada representante ante el Comité deberá ser provisto individualmente por su gobierno de los elementos apropiados para el equipo destinado a mediciones de radio, o de los aparatos debidamente calibrados, de acuerdo con normas mutuamente aceptables.

H. Cuando el examen demuestre que la construcción a que se refiere el párrafo C de este Artículo está de acuerdo con la notificación, y que se han tomado medidas para la protección, de conformidad con la misma notificación, el Comité lo informará así al gobierno del país en el cual esté ubicada la estación y, al mismo tiempo, comunicará este informe al gobierno o gobiernos que solicitaron el examen. Cuando el examen indique que la construcción no está de acuerdo con la notificación, o que no se han tomado medidas para la protección conforme a la notificación, el Comité rendirá informe en ese sentido a los gobiernos, juntamente con las recomendaciones relativas a cambios de construcción, modificación o ajustes de circuitos que sea necesario efectuar para cumplir completamente con la notificación.

I. Cuando se hayan hecho mediciones como consecuencia de una queja de un gobierno signatario o adherido al Convenio, deberán comunicarse inmediatamente a los gobiernos interesados los resultados de dichas mediciones, con las recomendaciones de los representantes ante el Comité.

J. Al recibir de un informe en el sentido de que la inspección de la instalación demuestra que no se han tomado medidas adecuadas para evitar radiaciones superiores al máximo aceptado, juntamente con recomendaciones acerca de las medidas necesarias para la corrección, el gobierno del país en donde esté ubicada la instalación dará pasos encaminados a que las correcciones o ajustes necesarios se lleven a cabo con anterioridad a la operación de la instalación.

K. Al recibir de un informe que indique que la interferencia investigada es, en efecto, excesiva, el gobierno del país en el cual esté ubicada la estación interferente tomará inmediatamente medidas tendientes a la eliminación de dicha interferencia. Si la interferencia encontrada por el Comité no puede ser eliminada dentro del término de diez días mediante ajustes del equipo, deberá reducirse la potencia de la estación interferente en la medida que sea necesaria para eliminar dicha interferencia.

L. Cuando los representantes de los gobiernos ante el Comité no estén de acuerdo en cuanto al informe o las recomendaciones relacionadas con la inspección de instalaciones nuevas o modificadas, o sobre la investigación de una queja relativa a interferencia, cada representante ante el Comité rendirá un informe completo que cubra todos los hechos materiales con respecto a los asuntos sometidos a su consideración. Incluirá en él aquellas recomendaciones que estime apropiadas, y lo transmitirá inmediatamente a los gobiernos interesados. Se enviarán copias de ambos informes al Comité en pleno. Éste revisará el caso y conducirá las investigaciones adicionales que estime necesarias y después hará conocer sus conclusiones y recomendaciones a los gobiernos donde se encuentren ubicadas las estaciones relacionadas con el caso. Al recibir de estas recomendaciones, el gobierno del país en el que se encuentren ubicadas las estaciones concernientes, dará los pasos necesarios para cumplir las recomendaciones del Comité. Si la interferencia comprobada por el Comité no puede ser eliminada dentro de un plazo de diez días mediante ajustes del equipo, la potencia de la estación interferente deberá ser reducida en la medida que sea necesaria para eliminar dicha interferencia.

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MAR 20 1946

FINANCIAL AGREEMENT

BETWEEN

CANADA AND THE UNITED KINGDOM

Signed at Ottawa, March 6, 1946

(Together with an Exchange of Notes)



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946

CANADA

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FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED KINGDOM

Signed at Ottawa, March 6, 1946

The Government of Canada and the Government of the United Kingdom of Great Britain and Northern Ireland agree as follows:

ARTICLE 1

Credit

The Government of Canada will extend to the Government of the United Kingdom a credit of \$1,250,000,000 which may be drawn upon at any time prior to December 31, 1951.

ARTICLE 2

Purpose of the Credit

The purpose of the credit is to facilitate purchases by the United Kingdom of goods and services in Canada and to assist in making it possible for the United Kingdom to meet transitional post-war deficits in its current balance of payments, to maintain adequate reserves of gold and dollars and to assume the obligations of multilateral trade.

ARTICLE 3

Amortization and Interest

(i) The amount of the credit drawn by December 31, 1951, shall be repaid in 50 annual instalments beginning on December 31, 1951, with interest at the rate of 2 per cent per annum. Interest for the year 1951 shall be computed on the amount outstanding on December 31, 1951, and for each year thereafter interest shall be computed on the amount outstanding on January 1 of each such year.

Forty-nine annual instalments of principal repayments and interest shall be equal, calculated at the rate of \$3,182,300 for each \$100,000,000 of the credit drawn by December 31, 1951, and the fiftieth annual instalment shall be at the rate of \$3,184,073·665 for each such \$100,000,000. Each instalment shall consist of the full amount of the interest due and the remainder of the instalment shall be the principal to be repaid in that year. Payments required by this Article are subject to the provisions of Article 4.

(ii) The Government of the United Kingdom may accelerate repayment of the amount drawn under this credit.

ARTICLE 4

Waiver of Interest Payments

In any year in which the Government of the United Kingdom requests the Government of Canada to waive the amount of the interest due in the instalment of that year, the Government of Canada will grant the waiver if:—

(a) The Government of the United Kingdom finds that a waiver is necessary in view of the present and prospective conditions of international exchange and the level of its gold and foreign exchange reserves; and

(b) The International Monetary Fund certifies that the income of the United Kingdom from home-produced exports plus its net income from invisible current transactions in its balance of payments was on the average over the five preceding calendar years less than the average annual amount of United Kingdom imports during 1936-1938, fixed at 866 million pounds as such figure may be adjusted for changes in the price level of these imports. If waiver is requested for an interest payment prior to that due in 1955, the average income shall be computed for the calendar years from 1950 through the year preceding that in which the request is made; and

(c) Interest payments due in that year on any credit made available to the Government of the United Kingdom to which a similar provision for waiver of interest applies are also waived.

ARTICLE 5

Exchange and Import Arrangements

The Government of the United Kingdom and the Government of Canada agree that, in respect of (a) the operation of exchange controls and arrangements, and (b) quantitative import restrictions, each will grant to the residents and products of the other, treatment not less favourable than that provided for in any instrument of agreement with the Government of any other country signed prior to the date of this Agreement.

ARTICLE 6

Outstanding Interest-Free Loan

The two Governments agree that the interest-free provision of the loan made to the Government of the United Kingdom under the War Appropriation (United Kingdom Financing) Act, 1942, will continue until January 1, 1951, and that the other arrangements with regard to the loan will continue as at present until that date. The two Governments agree to enter into discussions before January 1, 1951, with regard to the question of interest on, and the terms of repayment of, any balance of the loan then outstanding.

ARTICLE 7

British Commonwealth Air Training Plan

The Government of Canada agrees to cancel the amount owing by the Government of the United Kingdom to the Government of Canada with respect to the British Commonwealth Air Training Plan, which amount the two Governments agree is \$425,000,000.

ARTICLE 8

Consultation on Agreement

The two Governments agree that they will consult with each other as they may deem necessary on the working of any provision of this Agreement, and that if in the opinion of either Government reconsideration of this Agreement is justified by the prevailing conditions of international exchange or by any major change in the international financial situation which materially alters the prospective benefits and obligations flowing from this Agreement they will forthwith consider what changes in its provisions they should agree to make. Any changes agreed upon by the two Governments will be subject to such legislative approval as may be necessary.

ARTICLE 9

Entry into Force

This Agreement is made subject to such legislative approval as may be necessary and shall enter into force in whole or in part at such time or times as shall be agreed upon by the two Governments.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

SIGNED in duplicate at Ottawa, this sixth day of March, 1946.

For the Government of Canada:

J. L. ILSLEY,
Minister of Finance.

For the Government of the United Kingdom:

MALCOLM MACDONALD,
High Commissioner for the United Kingdom.

APPENDIX

EXCHANGE OF NOTES (MARCH 6, 1946) BETWEEN CANADA AND THE UNITED KINGDOM RELATING TO THE FINANCIAL AGREEMENT SIGNED BY THEM AT OTTAWA, MARCH 6, 1946

I

*The Canadian Minister of Finance
to the United Kingdom Chancellor of the Exchequer*

OTTAWA, 6th March, 1946.

Dear Chancellor of the Exchequer,

On the occasion of the signature of the financial agreement between the Government of the United Kingdom and the Government of Canada, I should like to place on record our understanding regarding the entry into force and implementation of this agreement in relation to the action by the United States Congress on the financial agreement between the Government of the United Kingdom and the Government of the United States, signed at Washington on December 6, 1945.

The agreement between the United Kingdom and Canada has been drawn up in the expectation that the Anglo-American agreement will be approved by Congress and will enter into force some time during the current year. If, however, Congress does not approve the Anglo-American agreement, our understanding is that, in the terms of Article 8 of our agreement, a major change would have occurred in the international financial situation, which would materially alter prospective benefits and obligations flowing from our agreement, and that consequently it would be necessary forthwith to consider what changes in the provisions of our agreement the two Governments should agree to make, subject to such legislative approval as may be necessary. In these circumstances, it is also our understanding that Articles 5, 6 and 7 of our agreement will not be implemented until it is known whether the United States Congress has approved the Anglo-American agreement. I agree, however, that these articles are to be implemented immediately Congress approves that agreement.

I should appreciate it if you would confirm that the above understanding is in accordance with that of your Government.

Yours very truly,

J. L. ILSLEY.

II.

*The United Kingdom Chancellor of the Exchequer
to the Canadian Minister of Finance*

TREASURY,

LONDON, 6th March, 1946.

Dear Mr. Ilsley,

I have received your letter of 6th March on the relation between the implementation of our Agreement and the action of Congress on the Anglo-American Agreement.

I confirm that my understanding of the position is the same as yours.

Our Agreement is of the greatest value to the common interests of our two countries, and I take this opportunity of expressing to you my most sincere appreciation of the action of your Government.

Yours sincerely,

HUGH DALTON.

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AGREEMENT

BETWEEN

CANADA AND THE UNITED KINGDOM

ON THE

SETTLEMENT OF WAR CLAIMS

Signed at Ottawa, March 6, 1946



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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CANADA

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No. 10

AGREEMENT
BETWEEN
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Signed at Ottawa, March 6, 1946



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946

**AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE
GOVERNMENT OF THE UNITED KINGDOM ON THE
SETTLEMENT OF WAR CLAIMS**

Signed at Ottawa, March 6, 1946

The Government of the United Kingdom and the Government of Canada, in order to arrive at a prompt and final settlement of all outstanding accounts between them arising out of the war, agree as follows:

Article 1

The Government of the United Kingdom will pay to the Government of Canada the sum of \$150,000,000 and thereupon each of the two Governments will, with the exceptions noted below, cancel all claims against the other which arose on or after September 3, 1939, and prior to March 1, 1946, in respect of supplies, services, facilities and accommodation delivered or furnished during that period, whether such claims are known or unknown.

Article 2

The two Governments agree that such payment and cancellation shall be in full settlement of all such claims and neither Government will raise or pursue any such claims against the other.

Article 3

The settlement covered by this Agreement includes without limitation thereto—

(a) All claims of the Government of Canada in respect of the construction for the Admiralty of ships which were in the course of construction on September 1, 1945, and which were to be completed by agreement between the two Governments;

(b) All claims arising out of the operations of the Inspection Board of the United Kingdom and Canada and in this case the period covered by the settlement shall extend to March 31, 1946, the Government of Canada taking over all the assets and liabilities of that Board as of that date;

(c) All claims of the Government of the United Kingdom arising out of the operation by the Department of Munitions and Supply of Canada of joint production projects and all claims relating to the period before March 1, 1946, arising from past or future re-negotiation of contracts or the retroactive adjustment of prices paid by or charged to the Government of the United Kingdom in Canada;

(d) All claims between the two Governments arising from the sharing of profits or losses before March 1, 1946, under contracts or arrangements made before that date and where projects covered by profit or loss sharing agreements continue in operation beyond that date, shares of profits or losses accruing on and after that date shall not be affected by this Agreement except in the case of the Inspection Board covered in paragraph (b) above;

(e) All claims between the two Governments arising from the disposal in the United Kingdom of surplus war assets of the Government of Canada, or from the disposal in Canada of surplus war assets of the Government of the United Kingdom, provided that this Agreement shall not prejudice the right of either Government to remove any of its surplus war assets from the country of the other, either for its own use or for transfer to others; and

(f) All claims of the Government of Canada in respect of the costs incurred by it under contracts entered into before March 1, 1946, for the manufacture of locomotives and rolling stock in Canada for the Government of India, without prejudice to the right of the Government of the United Kingdom to recover the amount of such claims from the Government of India.

Article 4

(i) The balance in the United Kingdom Suspense Account held by the Bank of Canada on February 28, 1946, shall be paid to the Government of the United Kingdom.

(ii) The balance in the United Kingdom Cash Receipts Account held by the Receiver General of Canada on February 28, 1946, shall be paid to the Government of Canada without prejudice to the right of the Government of the United Kingdom to claim reimbursement from third countries in respect of payments made on their behalf out of the United Kingdom Cash Receipts Account.

Article 5

The settlement covered by this Agreement shall not include the following—

(a) The loan to the Government of the United Kingdom under the War Appropriation (United Kingdom Financing) Act, 1942, which is covered by another agreement;

(b) The amount of \$425,000,000 owing by the Government of the United Kingdom to the Government of Canada with respect to the British Commonwealth Air Training Plan, which is covered by another agreement;

(c) Claims of the two Governments arising out of the sharing of military relief expenditures which are to be dealt with in accordance with the procedures already established or to be established;

(d) Claims arising out of established procedures under which periodical settlements are made in regard to payment of pensions and war service gratuities, reimbursement of expenditures for salaries, pay and allowances, travelling and living expenses of personnel on an individual basis, the transfer of personal funds of prisoners of war and other similar payments of a routine nature;

(e) Claims arising out of the settlement of accounts between postal administrations;

(f) Balances held by departments of either Government on behalf of and to the order of departments of the other Government.

Article 6

Each Government agrees to repay to the other amounts paid since February 28, 1946, in respect of claims cancelled under this Agreement.

Article 7

The two Governments will consult together, through their appropriate departments and representatives, concerning the interpretation and implementation of this Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

SIGNED in duplicate at Ottawa this 6th day of March, 1946.

For the Government of Canada:

J. L. ILSLEY,
Minister of Finance.

For the Government of the United Kingdom:

MALCOLM MACDONALD,
High Commissioner for the United Kingdom.

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(CANADA)

TREATY SERIES, 1946

No. 11

EXCHANGE OF NOTES

(February 14/27, 1946)

BETWEEN

CANADA AND NEWFOUNDLAND

CONSTITUTING AN AGREEMENT
FOR THE TRAINING IN CANADA
OF EX-SERVICE PERSONNEL OF NEWFOUNDLAND

Became Effective February 27, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946

CANADA

TREATY SERIES, 1946

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1946

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**EXCHANGE OF NOTES (FEBRUARY 14/27, 1946) BETWEEN CANADA
AND NEWFOUNDLAND CONSTITUTING AN AGREEMENT
FOR THE TRAINING IN CANADA OF EX-SERVICE
PERSONNEL OF NEWFOUNDLAND**

I

*The High Commissioner for Canada in Newfoundland to the Commissioner
for Home Affairs and Education of Newfoundland*

OFFICE OF THE HIGH COMMISSIONER FOR CANADA

St. John's, Newfoundland, February 14, 1946.

No. 2

Dear Mr. Walsh,

With reference to the request of your Government respecting provision of vocational training in Canada for a limited number of ex-service personnel of Newfoundland (other than those who served in the Canadian Armed Forces) and the discussions carried on recently in Ottawa by the Director of Civil Re-establishment with officers of the Department of Veterans Affairs on the detailed arrangements that would be required I wish to inform you that the Canadian Government is prepared to agree to the arrangements set forth hereunder:—

1. The Newfoundland Government will nominate personnel for vocational training courses to the D.V.A. which, after acceptance, will arrange with the Department of Labour for allocation to vocational training schools operated by the Department of Labour, or to private institutions. Each application will be considered individually by D.V.A. upon its merits. The fees for instruction at private institutions will be paid directly to the institution by the Government of Newfoundland. The costs of instruction at Canadian Vocational Training Schools will be paid by the Department of Veterans Affairs, which will recover the amount from the Government of Newfoundland. The rate of fees at C.V.T. schools is set at \$25 per month per trainee.

2. The Newfoundland Government shall certify to the D.V.A. that candidates for training in Canada are physically fit to undertake such training, certification to include results of chest X-ray.

3. Maintenance allowances will be paid directly to the trainee by the Newfoundland Government according to the Newfoundland Civil Re-establishment Scheme.

4. Transportation from Newfoundland to the training centre will be provided by the Newfoundland Government. The cost of transportation from one training centre to another within Canada when authorized by the D.V.A., and the cost of transportation from a training centre to the trainee's home in Newfoundland, will be paid by the D.V.A. and recovered from the Newfoundland Government.

5. Each candidate for training will be despatched from Newfoundland with funds for living expenses sufficient to maintain him for thirty days after arrival in Canada, and any necessary advance of money by D.V.A. on account of indigence shall be recoverable from the Newfoundland Government.

6. The D.V.A. undertakes to provide necessary medical treatment, including hospitalization, for the trainees during the training period, the cost of which shall be recoverable from the Newfoundland Government. The Government of

Canada shall not be liable for injuries to Newfoundland veterans while undergoing training. In the case of the death of a trainee the D.V.A. will forward the remains to the trainee's home, unless otherwise instructed, and expenses incurred will be paid by the D.V.A., recoverable from the Newfoundland Government.

7. It is understood that all trainees will return to Newfoundland on completion of training, as set forth in Order-in-Council 7032 of November, 1945. Any expenses incurred in enforcing the trainee's return shall be recoverable from the Newfoundland Government.

8. It is understood that Newfoundland trainees accepted under the agreement will conform, where applicable, to all rules and regulations laid down by the Department of Labour and D.V.A. for the administration of vocational training.

9. The Newfoundland Government understands that accommodation in most Canadian training centres is taxed to the limit and that there are many on the waiting list for admission. D.V.A. however, in making arrangements for Newfoundland candidates will give every possible consideration to their training needs consistent with these limiting conditions.

It is understood that, if your Government concurs in the arrangements outlined above, this letter and your reply will be regarded as constituting agreement between the two Governments on the subject.

Yours sincerely,

J. S. MACDONALD,
High Commissioner for Canada.

II

*The Commissioner for Home Affairs and Education of Newfoundland to the
High Commissioner for Canada in Newfoundland*

DEPARTMENT OF HOME AFFAIRS

St. John's, Newfoundland, 27th February, 1946.

Dear Sir,

Your letter No. 2, of the 14th February, containing the terms of an arrangement under which a limited number of ex-Service personnel from Newfoundland would be accepted for vocational training in Canadian Schools, has been considered by the Commission of Government, and I am directed to inform you that the Newfoundland Government agrees to the arrangement which your Government has proposed.

With respect to paragraph 5 we should be glad if the Department of Veterans Affairs would notify our Department of Civil Re-establishment fairly promptly of any advances on account of indigence recoverable from the Newfoundland Government. It is assumed that the Department of Veterans Affairs will make these advances only in such circumstances as that Department would make advances to Canadian personnel.

It is agreed that your letter and this reply will be regarded as constituting an arrangement between the two Governments on the subject, and on behalf of the Commission of Government I should be glad if you would convey to your Government our appreciation of the interest which they have taken and the courtesy which they have shown in this matter.

Yours sincerely,

A. J. WALSH,
Commissioner for Home Affairs and Education.

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CANADA

TREATY SERIES, 1946

No. 12

EXCHANGE OF NOTES

(March 30, 1946)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

CONSTITUTING AN AGREEMENT

ON THE SUBJECT OF WAR SURPLUSES

AND RELATED MATTERS

Effective March 31, 1946



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

1946

CANADA

TREATY SERIES, 1946

No. 12

EXCHANGE OF NOTES

(March 30, 1946)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA
CONSTITUTING AN AGREEMENT
ON THE SUBJECT OF WAR SURPLUSES
AND RELATED MATTERS

Effective March 31, 1946



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1946

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**EXCHANGE OF NOTES (MARCH 30, 1946) BETWEEN CANADA AND
THE UNITED STATES OF AMERICA CONSTITUTING AN
AGREEMENT ON THE SUBJECT OF WAR
SURPLUSES AND RELATED MATTERS**

I

*The Secretary of State for External Affairs of Canada
- to the United States Ambassador*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, March 30, 1946.

No. 44

Excellency,

I have the honour to refer to discussions which have recently taken place between representatives of our Governments on the subject of war surpluses and related matters. It is my understanding that these representatives have agreed on the following proposals which are acceptable to the Canadian Government.

2. With regard to defence installations and equipment owned by the United States Government and located in Canada and not yet otherwise disposed of, the two Governments have found it mutually advantageous to expedite and simplify the procedure set forth in the 33rd Recommendation of the Permanent Joint Board on Defence and approved by the two Governments, while continuing to accept its underlying principles. To the extent, therefore that this agreement is inconsistent with the exchange of notes of November 22 and December 20, 1944, it shall be regarded as superseding them.*

3. It is agreed that for the sum of \$12,000,000 (U.S.) the United States Government will transfer to the Canadian Government the following defence installations, projects and/or supplies and equipment connected therewith owned by the United States Government and located in Canada, the original cost price of which was approximately \$59,000,000 (U.S.). In each case the details are listed in appendices to this note,** giving approximate original costs, as follows:

(a) *Immovable Property.*

Original cost: \$27,882,825 (Appendix I).

(b) *Movable Property in Northwestern Canada.*

Original cost: \$16,481,811 (Appendix II).

(c) *Movable Property in Northeastern Canada.*

Original cost: \$197,841 (Appendix III).

(d) *Movable Property heretofore reported to Crown Assets Allocation Committee but not sold.*

Original cost: \$9,994,650 (Appendix IV).

(e) *United States Navy Property lend-leased to the United Kingdom, declared surplus and left in Canada.*

Original cost: \$4,349,717 (Appendix V).

4. It is understood that United States forces now stationed in Canada will continue to use without cost, until their withdrawal from Canada, such immovable

* For the Exchange of Notes of November 22 and December 20, 1944, see *Treaty Series 1944*, No. 35.

** For these appendices see pages 6, 7, 9, 10 and 12 below.

and movable property as they may require but which may be transferred to the Canadian Government under this agreement. Ordinary depreciation, damage, wear, tear and loss in connection with any such property will not be a charge against the United States Government.

5. The Government of the United States will retain the right to recapture certain property necessary for the use of its armed forces in an amount not to exceed 15 per cent of the original cost value of the material listed in Appendix II, page 1, and items 10, 11, 12, 13, 14, 15, 17, 18, 19, 20 and 21 of Appendix II, page 2, totalling approximately \$12,000,000. The United States Government will designate in writing to the Canadian Government prior to May 15, 1946, such articles as it desires to withdraw and appropriate adjustments of the financial settlement covered in paragraph 3 will be arranged.

6. Any United States Government owned property located in Canada which is not transferred to the Canadian Government under this agreement, may be withdrawn from Canada by the United States Government or sold in Canada for United States account, either by negotiation between the two Governments or by War Assets Corporation as has been the procedure heretofore.

7. Lend Lease aircraft, aircraft parts and accessories returned to United States account from the United Kingdom and located in Canada will be disposed of in the following manner:

(a) The United States Government will indicate in writing to the Canadian Government prior to 30th May, 1946, that property it desires to recapture. The Canadian Government agrees to assist in the best of its ability the United States Government in the preparation for movement and the movement of such property.

(b) Combat type aircraft, aircraft parts and accessories, left by the United States Government in Canada, will be transferred to Canadian account for salvage without further reimbursement to the United States Government.

(c) Non-combat type aircraft, aircraft parts and accessories left by the United States Government in Canada will be transferred to the account of the Canadian Government without reimbursement to the United States Government except that when flyable non-combat type aircraft and Anson aircraft containing Lend Lease components are disposed of for use as flyable aircraft, appropriate reimbursement in respect of the Lend Lease content of such complete aircraft will be made to the United States Government by the Canadian Government. The Canadian Government further agrees that flyable non-combat type aircraft other than Ansons will not be disposed of as flyable aircraft outside of Canada without consultation between appropriate agencies of the two Governments. The United States Government agrees that in the case of proposed sales of this type it will not unreasonably withhold its agreement.

(d) It is further agreed that any similar property which may become available in Canada following May 30, 1946, shall be dealt with in a like manner, provided that the United States Government shall give thirty days' notice from the date of such property becoming available in Canada of its intention to return such property to the United States.

8. The Canadian Government will designate an agency to co-ordinate the acceptance of custody of property transferred under this agreement by the United States Government to the Canadian Government. It is understood that the United States Government will not abandon property transferred to the Canadian Government under this agreement until after having provided a reasonable opportunity for the Canadian Government to arrange for custody.

9. It is understood that this agreement does not affect existing agreements between the two countries relating to the transfer of responsibility from the United States to Canada for defence projects.

10. At the request of the Canadian Government, and in order to provide equipment necessary for the training programs of the Canadian armed forces, the United States Government will endeavour to make available surplus military type equipment, up to April 1, 1947, in such quantities and at such prices as may be negotiated between the two Governments up to a maximum cost of \$7,000,000 (U.S.). The Canadian Government will make a payment on account into a suspense account of the United States Government of \$7,000,000 (U.S.) to apply against such purchases. If the United States Government is unable to provide under this agreement the amount of equipment that the Canadian Government desires to purchase and therefore the payment on account should exceed the amount finally determined to be payable, the excess remaining in the suspense account will be returned to the Canadian Government.

11. The effective date of this agreement shall be March 31, 1946, except that with regard to sales of movables concluded and invoiced by War Assets Corporation on or before that date, the Canadian Government will make payment to the United States Government in accordance with existing agreements. During the period in which the negotiations have been in progress, and pending the coming into force of the agreement, the United States Government has undertaken and undertakes not to remove from Canada any of the property covered by the agreement.

12. If the foregoing is acceptable to the Government of the United States, this note and your reply thereto shall be regarded as placing on record the understanding arrived at between our Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

N. A. ROBERTSON,
For the Secretary of State for External Affairs.

II

The United States Ambassador to the Secretary of State for External Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

OTTAWA, March 30 1946.

No. 470

Sir:

I have the honor to refer to your note No. 44 of March 30, 1946, referring to discussions which have recently taken place between representatives of our two Governments on the subject of war surpluses and related matters and setting forth therein certain proposals which they have reached and which, you state, are acceptable to the Canadian Government.

At the direction of my Government, I have the honor to state that the proposals submitted in your note under reference are acceptable to the Government of the United States and it concurs in the proposal that your note and this reply shall be regarded as placing on record the understanding arrived at between the two Governments on these matters.

Accept, Sir, the renewed assurances of my highest consideration.

RAY ATHERTON.

**APPENDICES TO NOTE No. 44 OF MARCH 30, 1946, FROM THE
SECRETARY OF STATE FOR EXTERNAL AFFAIRS OF CANADA**

APPENDIX I

IMMOVABLE PROPERTY

<i>Description</i>	<i>Estimated Cost (In U.S. Dollars)</i>
Edmonton Station Hospital (includes Post of Edmonton)	\$ 1,720,042.00
Edmonton Railhead	2,031,504.00
U.S. Army Recreation Centre	86,000.00
U.S. Signal Corps Camp	204,359.00
Weather Stations (Alaska Highway and North Atlantic)	919,962.00
Alaska Highway Relay Stations	9,409,814.00
Haine's Road Relay Stations	1,039,883.00
Railhead and Appurtenances, McCrae, Y.T.	2,787,587.00
Headquarters (NWSC Whitehorse)—Facilities and Appur- tenances	4,976,833.00
Standard Oil Housing Area & Office Building	4,706,841.00
	<hr/>
	\$27,882,825.00

APPENDIX II

MOVABLE PROPERTY IN NORTHWESTERN CANADA
(Northwest District, Sixth Service Command)

<i>Item</i>	<i>Location</i>	<i>Estimated Cost</i> (In U.S. Dollars)
1	Equipment on Highway	\$ 2,089,395.00
2	Movable P.C. & S. Property at Highway Camps	152,000.00
3	General Stores at Highway Camps	57,000.00
4	Shop: Nelson	
	Tools & Equipment	70,000.00
	Ordnance Vehicles	65,000.00
	Eng. Equipment	32,000.00
	Spare Parts	150,000.00
5	Shop: Whitehorse	
	Tools & Equipment	150,000.00
	Spare Parts	300,000.00
6	Equipment Whitehorse	608,750.00
7	Equipment Whitehorse	600,000.00
8	Q.M. Whitehorse Property	
	Subsistence	66,811.00
9	Eng. Property	125,000.00
10	Eng. Property Working Stock	75,000.00
11	Q.M. Whitehorse (Est.)	1,046,050.00
12	Eng. Property	
	Fort Nelson	12,000.00
	Fort St. John	10,000.00
	Dowell area W.H.	450,000.00
	S.O. Area W.H.	275,000.00
	Highway	30,000.00
13	Medical Whitehorse Hospital	125,000.00
14	Laundry Equipment Whitehorse	100,000.00
15	Petroleum Products	1,250,000.00
16	Fort St. John Equipment for Sale Pool	24,860.00
17	Fort St. John Ord. Shop & P.C.S.	179,072.00
18	Edmonton Equipment	94,692.00
19	Edmonton for Sale Pool Equipment	52,870.00
20	Edmonton Medical Hospital	125,000.00
21	Edmonton Laundry Equipment	100,000.00
22	843 Signals/Bds. Etc.	135,000.00
23	Edmonton Q.M. Prop.	273,456.00
24	Edmonton Eng. Supplies	1,050.00
25	Eng. Equipment Whitehorse	420,600.00
26	Transportation Corp. Equipment	172,000.00
27	Special Service Items	20,000.00
TOTAL		\$10,407,606.00

ALASKA WING AIR TRANSPORT COMMAND

<i>Item</i>	<i>Location</i>	<i>Estimated Cost (In U.S. Dollars)</i>
1. Air Inst. Division		
2. " " "	Fort Nelson	\$ 132,684.00
3. " " "	Whitehorse	394,059.00
4. " " "	Watson Lake	31,000.00
5. " " "	Edmonton	133,634.00
6. " " "	Gr. Prairie	4,289.00
7. " " "	Namao	8,941.00
8. 1432 AAFBU Q.M.	Ft. St. John	4,333.00
9. " " "	Watson Lake	4,969.00
10. " " Ord. Veh.	Whitehorse	18,527.00
11. " " "	St. John	41,050.00
12. " " "	Dawson Cr.	12,200.00
13. " " Spare Parts	Edmonton	314,319.00
14. " " Q.M.	Edmonton	159,000.00
15. " " Q.M.	Edmonton	649,443.00
16. " " Air Supply Can.	Dawson Cr.	2,000.00
17. " " Sig. General		2,941,000.00
18. " " English Supplies		328,000.00
19. " " Equipment	Edmonton	60,000.00
20. " " Medical	Edmonton	65,000.00
21. " " Chem. Warfare	Edmonton	10,000.00
22. AAF Prop.	Edmonton	6,000.00
23.	Edmonton	32,346.00
24.	Ft. Nelson	3,600.00
25. AHF Equipment	Whitehorse	65,995.00
26. " " and Gas	(To R.C.A.F.)	50,150.00
27. " " "	St. John (To R.C.A.F.)	61,577.00
28. " " "	Gr. Prairie (To R.C.A.F.)	60,868.00
29. " " "	Watson	68,708.00
30. " " "	Whitehorse	50,150.00
31. Weather Equipment	Ft. Nelson	50,150.00
32. " " "	Smith River	3,800.00
33. " " "	Log Cabin	2,330.00
34. " " "	Canyon Creek	2,775.00
35. " " "	W. H. Radio Sonde	1,800.00
36. " " "	Edmonton	1,700.00
37. " " "	Pr. Geo.	1,330.00
38. " " "	Wagner	1,370.00
39. " " "	Others	300.00
40. 1432 AAF. BU. Petroleum	MacKenzie Valley	30,708.00
41. Special Service Items		64,100.00
		200,000.00
	TOTAL	\$6,074,205.00

APPENDIX III

MOVABLE PROPERTY IN NORTHEASTERN CANADA

Indian House Lake Weather Station

	<i>Estimated Cost (In U.S. Dollars)</i>
Weather Equipment	\$ 2,600.00
Radio Equipment	7,110.00
General Supplies	14,600.00
TOTAL	\$24,310.00
	\$24,310.00

Lake Harbour Weather Station

Weather Equipment	\$ 2,600.00
Radio Equipment	12,054.00
General Supplies	14,600.00
TOTAL	\$29,254.00
	\$29,254.00

Crystal 3, Padloping Island

Weather Equipment	\$16,500.00
Radio Equipment	42,292.00
General Supplies	14,600.00
TOTAL	\$73,392.00
	\$73,392.00

Megatina Weather Station (Lake Mary)

Weather Station	\$ 2,600.00
Radio Equipment	18,482.00
General Supplies
TOTAL	\$21,442.00
	\$21,442.00

Clyde River Weather Station

Weather Equipment	\$16,500.00
Radio Equipment	18,343.00
General Supplies	14,600.00
TOTAL	\$49,443.00
	\$49,443.00

GRAND TOTAL \$197,841.00

APPENDIX IV

MOVABLE PROPERTY HERETOFORE REPORTED TO CROWN ASSETS
ALLOCATION COMMITTEE BUT NOT SOLD

<i>Standard Commodity Classification:</i>	<i>Estimated Cost (In U.S. Dollars)</i>
01 Live animals	\$ 3,693.96
02 Crude Animal Products, edible	159.69
03 Crude Animal Products, inedible	3.92
04 Crude vegetable products, edible	9.54
05 Crude vegetable products, inedible	48.90
07 Coal, crude petroleum, related crude hydrocarbons	103,352.89
09 Crude non metallic minerals (Except coal and petroleum)	5,230.90
11 Leather	277.94
12 Boot and shoe cut stock and shoe findings	797.27
13 Wood basic materials, except pulpwood	332,241.73
14 Pulp, paper and paperboard	40,955.36
15 Textile basic manufacturers	30,593.04
16 Food and beverage basic materials	769.83
17 Oils, fats, waxes, etc.	119.53
18 Petroleum and coal products, except raw material for chemical industries	102,969.94
19 Chemicals	118,220.91
21 Iron, and iron and steel scrap	463,749.25
22 Steel	64,873.12
24 Nonferrous metals	88,939.06
25 Fabricated metal basic products	108,808.20
26 Nonmetallic mineral basic products—structural	84,782.74
27 Nonmetallic mineral basic products—nonstructural	29,903.21
29 Miscellaneous basic materials	7,554.60
31 General puropse industrial machinery and equipment	246,160.39
32 Electric machinery and apparatus	150,420.01
33 Special industry machinery	136,430.17
34 Metal working machinery	69,055.03
35 Agricultural machinery and implements, except tractors	538.75
36 Construction, mining, excavating and related machinery	51,374.32
38 Office machines	10,590.73
39 Miscellaneous machinery	83,683.07
41 Communication equipment and electronic devices	68,180.08
42 Aircraft	328,537.49
43 Ships, small watercraft and marine propulsion mach.	3,218,836.14
44 Railroad transportation equipment	917.00
45 Motor vehicles	312,436.83
49 Miscellaneous transportation equipment	88.40
51 Plumbing and heating equipment	123,973.11
52 Air-conditioning and refrigeration equipment	6,027.10
53 Lighting fixtures	15,269.44
54 Furniture and fixtures	239,228.04
55 Photographic goods	2,671.09
56 Optical instruments and apparatus	2,117.86
57 Indicating, recording and controlling instruments and accessories, except watches and clocks	3,895.24
58 Professional and scientific instruments and apparatus except as in Classification 57	7,322.21
59 Miscellaneous equipment	139,322.21
61 Food, manufactured	116,475.02
65 Drugs and medicines	1,097.33
66 Toiletries, cosmetics, soap and household chemical preparations	29,115.05
67 Apparel, except footwear	17,931.34
68 Footwear	18,189.41
69 Fabricated textile products, except apparel	34,975.03
71 End products of leather, except apparel, footwear and luggage	20.23
72 Converted paper products and pulp goods	45,548.70
73 Products of printing and publishing industries	6,265.24

74	Rubber and products, except footwear and clothing ...	18,806.11
75	End products of metal industries, except machinery and equipment	122,641.24
76	Finished wood products, except furniture and millwork	110,213.90
77	End products of glass, clay and stone	3,820.66
79	Miscellaneous end products of manufacturing industries	82,675.12
81	Small arms and components	637,389.87
82	Artillery, naval guns, mortars and components	474,519.11
84	Ammunition	66.86
88	Fire control equipment	7,812.66
89	Miscellaneous ordnance and ordnance material	1,462,422.21
TOTAL		\$9,994,650.83

APPENDIX V

UNITED STATES NAVY PROPERTY LEND-LEASED TO THE UNITED KINGDOM,
DECLARED SURPLUS AND LEFT IN CANADA

	<i>Estimated Cost</i> (In U.S. Dollars)
Armament	\$2,441,900.00
A.N.D. Gear	65,657.68
Radio Equipment and W.T.	186,145.00
Engineering Equipment	243,093.42
Compass Equipment	1,500,438.00
2" U.P. Lockers	1,835,130.00
Ammunition	246,534.00
Electrical Gear	1,049,655.89
Total of all returned Lend-Lease Navy Stores in Canada	<u>\$7,568,553.99</u>
Total of returned Lend-Lease Navy Stores which have been reported to CAAC	<u>3,218,836.14</u>
BALANCE	<u><u>\$4,349,717.85</u></u>

for Doc
Can
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Canada External Affairs, 1946

(CANADA)

TREATY SERIES, 1946

No. 13

GREAT LAKES FISHERIES CONVENTION

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

Signed at Washington, April 2, 1946

(This Convention has not yet been ratified)



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946

Price, 25 cents.

CANADA

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1946

**GREAT LAKES FISHERIES CONVENTION
BETWEEN CANADA AND THE UNITED STATES OF AMERICA**

Signed at Washington, April 2, 1946

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada, and the President of the United States of America,

Recognizing that the fish of the Great Lakes and their connecting waters constitute an important source of food supply and a natural resource of great economic importance to Canada and the United States of America, that fishing operations and other factors in the waters within the jurisdiction of one country may adversely affect the supply in the waters within the jurisdiction of the other, that some species of fish in the Great Lakes have declined and that further declines are probable unless adequate provision is made for the development, protection and conservation of the Great Lakes fisheries and for the maintenance of conditions which will permit the maximum yield, and that the conservation and effective management of these fisheries require cooperation between and joint action by the governmental agencies of both countries concerned with the administration of these fisheries,

Have resolved to conclude a convention for this purpose and have appointed as their respective plenipotentiaries,

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, for Canada:

Lester Bowles Pearson, Ambassador Extraordinary and Plenipotentiary for Canada to the United States of America, and

Hedley Francis Gregory Bridges, Minister of Fisheries of Canada, and The President of the United States of America:

Dean Acheson, Acting Secretary of State of the United States of America;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I

It is agreed that the provisions of this Convention shall apply to the following, herein referred to as the Great Lakes: Lake Ontario, Lake Erie, Lake St. Clair, Lake Huron, Lake Michigan, Lake Superior, the connecting waters, bays, and component parts of each of these lakes, and the St. Lawrence River from Lake Ontario to the forty-fifth parallel of latitude. For the purposes of this Convention the St. Lawrence River from Lake Ontario to the forty-fifth parallel of latitude shall be treated as a lake of the Great Lakes.

ARTICLE II

1. The High Contracting Parties agree to establish and maintain a joint commission, hereinafter referred to as the Commission, to be known as the International Commission for the Great Lakes Fisheries and to be composed of two National Sections, a Canadian Section and a United States Section.

2. Each High Contracting Party may also appoint an advisory committee for each lake consisting of representatives designated by each province or state, as the case may be, having jurisdiction on the lake.

3. The expenses of each Section and of each advisory committee shall be determined and paid by their respective governments: Provided that joint expenses incurred for administration or research or for other purposes shall be paid by the two High Contracting Parties in equal shares.

4. The Commission, the National Sections and the advisory committees shall be constituted in accordance with and shall be governed by the provisions of the Schedule annexed to this Convention.

ARTICLE III

1. The Commission shall formulate and recommend specific research programs, which may be undertaken by the appropriate agencies of the two governments in collaboration with the Province of Ontario and the States of the United States of America concerned, as well as such other institutions and facilities as the Commission deems advisable, for observations and studies of the Great Lakes fisheries, to guide it in exercising its functions provided for in Article IV of this Convention. Such programs may include the collection and analysis of statistical information to reveal the current conditions and trends of the fishery resources, studies and appraisal of methods for increasing the abundance of fish by artificial propagation and other means, and studies of any factors that may affect the fisheries of the Great Lakes, including silting and pollution. The Commission shall take such further steps as it considers practicable to coordinate and develop research which it may deem of value in connection with the Great Lakes fisheries.

2. The High Contracting Parties agree that, within one year from the date of the exchange of the ratifications of this Convention, each of them will undertake such observations and studies, recommended by the Commission for joint or concurrent action, as they consider necessary for the effective guidance of the Commission in the exercise of its functions.

3. It is understood that nothing contained in this Convention or in the laws and regulations of the High Contracting Parties or of the Province of Ontario or of any state shall prohibit the Commission from conducting or authorizing fishing operations and biological experiments at any time for purposes of scientific investigation.

ARTICLE IV

1. The Commission shall undertake to develop a comprehensive plan for the effective management of the fishery resources of the Great Lakes for the purpose of securing the maximum use of these resources consistent with their perpetuation.

2. The Commission may make regulations fixing:

- (a) open and closed seasons;
- (b) open and closed waters;
- (c) the size limits for each species of fish;
- (d) the time, methods and intensity of fishing;
- (e) the type and specifications of the nets, gear, and apparatus and appliances which may be used;
- (f) the methods of measurement;
- (g) the extent and nature of stocking operations;
- (h) the introduction of new species; and
- (i) catch returns and other statistical records as may be necessary to give effect to the purposes of this Convention.

Regulations made under this section shall be uniform for each lake or equivalent in their effectiveness in the waters of each country as determined by the Commission. The Commission may from time to time make such regulations for each lake separately and may establish zones within a lake and make regulations for the various zones of that lake in accordance with differences in conditions. Regulations for a lake or for a zone within a lake shall be made with due regard to the necessary interdependence of such regulations with the regulations for other waters of the Great Lakes.

3. The Commission may make recommendations to the appropriate federal, provincial, state and local authorities regarding measures for dealing with such other factors affecting the Great Lakes fisheries, including silting and pollution, as are not included under section 2 of this Article.

4. The United States Section alone shall exercise all powers and functions of the Commission in matters relating to Lake Michigan having due regard to the necessary interdependence of regulations for that lake with those for the other lakes. The Commission shall likewise, with respect to the other lakes, have due regard to the regulations for and the conditions of Lake Michigan.

5. Regulations made by the Commission for United States waters, and by the United States Section for Lake Michigan, shall not become effective until approved by the President of the United States of America.

6. Regulations made by the Commission for Canadian waters shall not become effective until approved by the Governor General in Council.

ARTICLE V

1. The High Contracting Parties agree to provide for the enforcement, whether directly or through provincial and state governments or by both means, within their respective waters of the regulations made and approved under this Convention.

2. It is understood that in United States waters the regulations for each lake may be enforced in the first instance by the enforcement agencies of the states bordering thereon within their respective jurisdictions and in Canadian waters by the appropriate enforcement agencies in the Province of Ontario.

3. The Commission shall keep itself informed as to the effectiveness of enforcement, shall report to the High Contracting Parties with respect to any charges, allegations or conditions of unsatisfactory enforcement of which it is aware, and may recommend to the High Contracting Parties measures for the improvement of enforcement. Except as to Lake Michigan, upon the complaint of either National Section with respect to enforcement in any area of the waters of the other country the government of that country will take appropriate action to enforce the regulations for that area and will continue such action so long as it deems necessary.

ARTICLE VI

Nothing in this Convention shall be construed as preventing either of the High Contracting Parties, subject to their respective constitutional arrangements, or the Province of Ontario or any of the states of the United States of America bordering on the Great Lakes from making or enforcing such laws or regulations within their respective jurisdictions as will give further protection to the fisheries of the Great Lakes and as are not inconsistent with the provisions of this Convention or with the regulations made and approved thereunder.

ARTICLE VII

The High Contracting Parties agree to provide, subject to their respective constitutional arrangements, for the prohibition of the shipment, transport, purchase, sale, import or export of fish taken from the Great Lakes in violation of the regulations made and approved under this Convention.

ARTICLE VIII

The High Contracting Parties agree that, subject to their respective constitutional arrangements, licences to fish in the waters of the Great Lakes within the jurisdiction of any province or state may continue to be issued by such province or state in accordance with its laws and subject to such fees as it may fix, if such licences and licensing are not inconsistent with the provisions of this Convention or with the regulations made and approved thereunder. Where licensing of fishing activities is necessary to give effect to the regulations made and approved under this Convention, and any province or state fails to establish or maintain licensing adequate for the successful control or management of any such fishing activity, the High Contracting Party having jurisdiction will take such measures as may be necessary to provide the needed licensing in the area of its water affected.

ARTICLE IX

The High Contracting Parties agree to provide for the enactment and enforcement of such legislation as may be necessary to give effect to the provisions of this Convention and the regulations made and approved thereunder, with appropriate penalties for violations.

ARTICLE X

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and in respect of Canada by His Majesty in accordance with the constitutional practice, and it shall come into force on the date of the exchange of ratifications, which shall take place at Ottawa. The Convention shall continue in force for a period of ten years and thereafter until one year from the day on which either of the High Contracting Parties shall give notice to the other High Contracting Party of an intention of terminating the Convention.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed the present Convention and have affixed their seals thereto.

DONE in duplicate at Washington the second day of April, one thousand nine hundred forty-six.

For Canada:

(Seal)

LESTER B. PEARSON,
H. FRANCIS G. BRIDGES.

For The United States of America:

(Seal)

DEAN ACHESON.

SCHEDEULE

SPECIAL PROVISIONS RELATING TO THE COMMISSION, THE NATIONAL SECTIONS AND THE ADVISORY COMMITTEES

1. The United States Section shall be composed of three members, one a representative of the fishery agency of the Government of the United States of America, the second a person chosen by the President of the United States of America from a list of two or more persons named by the states having jurisdiction on the Great Lakes, and the third a person duly qualified to represent the public at large by reason of knowledge of the fisheries of the Great Lakes.

2. The Canadian Section shall be composed of three members, one a representative of the public services of Canada, the second a representative of the public services of the Province of Ontario, and the third a person duly qualified to represent the public at large by reason of knowledge of the fisheries of the Great Lakes.

3. (a) Each High Contracting Party may fix the terms of service of its members of the Commission and of the members of any advisory committees established by it pursuant to Article II of the Convention.

(b) Each High Contracting Party may fix the composition of the membership of any such advisory committee established by it, in order to give adequate representation to provincial or state conservation and fishery agencies, commercial fishermen, sports fishermen, and the public at large; but the members of such advisory committee shall be designated by the province or states having jurisdiction on the lake concerned.

4. (a) At the first meeting of the Commission and at every second subsequent annual meeting thereafter the members shall select from among themselves a Chairman and a Secretary both of whom shall hold office for two years. The Chairman shall be selected from one National Section and the Secretary from the other National Section. The offices of Chairman and Secretary shall alternate biennially between the National Sections.

(b) In the event that the Chairman or the Secretary is not present at a meeting of the Commission the other members may appoint one of their number to act in his stead. In case the Chairman or the Secretary ceases to be a member of the Commission, the Commission shall select from the members of the same National Section a new Chairman or Secretary to hold office for the unexpired term.

(c) The Commission shall adopt suitable by-laws or provisions for the conduct of its meetings and for the exercise of the functions and duties vested in it by the Convention and may employ necessary personnel for the discharge of its functions.

5. Each member of the Commission shall have one vote and the Commission shall determine for each lake other than Lake Michigan by majority vote of the entire Commission the fishing regulations and other decisions with respect to such lake. With respect to Lake Michigan, each member of the United States Section shall have one vote and decisions shall be by majority vote.

6. (a) Any advisory committee which, pursuant to Article II of the Convention, may be appointed by each Government for a particular lake, shall be invited to all non-executive meetings of the Commission or its respective National Sections at which matters concerning that lake are to be considered, and shall be given full opportunity to examine and to be heard on all proposed fishing regulations and other decisions relating to that lake.

(b) Regulations made by the Commission, or by the United States Section for Lake Michigan, shall be submitted forthwith to any pertinent advisory committee or committees and shall not be submitted to the Governor General of Canada or to the President of the United States of America for approval until after forty-five days from the day on which they were made, unless all the pertinent advisory committees express their consent to the regulations prior to such time. The advisory committee or committees shall consider such regulations and shall comment thereon to the Commission or to the United States Section for Lake Michigan. If prior to the expiration of the period of forty-five days the Commission shall be requested by any such advisory committee to reconsider such regulations or any portion thereof, the Commission or the United States Section for Lake Michigan shall undertake such reconsideration prior to submitting the regulations to the Governor General of Canada or to the President of the United States of America for approval.

(c) Emergency regulations and decisions may be made without opportunity for examination and recommendation by the pertinent advisory committee or committees. Such emergency regulations and decisions shall not be operative for more than one year and may not be renewed without full opportunity for examination and recommendation by the advisory committee or committees.

7. For the purpose of considering and making regulations regarding fishing in the Great Lakes, the Commission, or in the case of Lake Michigan the United States Section alone, shall meet at least twice a year and one of these meetings shall be designated by the Chairman and Secretary as the annual meeting. The date and place of the annual meeting and of such other meetings as may be necessary at any time shall be agreed upon by the Chairman and the Secretary except that only the representative of the United States of America holding the office of the Chairman or the Secretary shall call meetings of the United States Section for Lake Michigan.

8. Prior to any meeting at which regulations for any of the Great Lakes are to be voted upon, a hearing or hearings shall be held by the Commission, or in the case of Lake Michigan by the United States Section, at a place or places near that lake, which shall be open to fishermen and other persons in either country interested in the problems of that lake: Provided that in the event of emergency circumstances meetings may be held without such hearings. Nothing herein shall be deemed to prevent either National Section from holding hearings within its own country at its discretion.

9. The Commission shall publish biennially, or more frequently as it judges desirable, reports of its activities and recommendations, as well as such publications as it may see fit of a scientific nature or other public information, and may also arrange to publish the results of the research of collaborating and associated agencies.

10. Regulations made and approved under Article IV of the Convention shall not become effective until one year from the date when the Convention comes into force.

11. For purposes of the application of the Convention and regulations made and approved thereunder, the Commission may determine the boundaries between the lakes, and between the waters specified in Article I of the Convention and waters flowing into or from such waters, and may also determine the lake or lakes of which the connecting waters or any part thereof shall be treated as forming a part.

12. The provisions of this Schedule may be revised and amended from time to time by the Commission: Provided that:

(a) any revision or amendment inconsistent with the provisions of this Schedule must be confirmed by an exchange of notes between the High Contracting Parties; and

(b) no revision or amendment inconsistent with the Convention, or which diminishes the extent or effectiveness of provincial or state participation and representation of provincial or state interests now provided under paragraphs 1, 2, 5, 6 and 8 of this Schedule, may be made by the Commission.

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(CANADA)

TREATY SERIES, 1946
No. 14

FINANCIAL AGREEMENT
BETWEEN
CANADA AND FRANCE

Signed at Ottawa, April 9, 1946

In Force May 2, 1946

(Together with an Exchange of Notes)

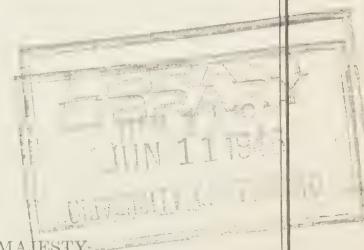
RECUEIL DES TRAITÉS, 1946
N° 14

ACCORD FINANCIER
ENTRE
LE CANADA ET LA FRANCE

Signé à Ottawa le 9 avril 1946

En vigueur le 2 mai 1946

(Suivi d'un Échange de Notes)



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.
1946

CANADA

TREATY SERIES, 1946
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OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946

FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF FRANCE

Signed at Ottawa, April 9, 1946

The Government of Canada and the Government of France agree as follows:—

ARTICLE 1

In this Agreement the terms "exporters", "Canadian-produced goods" and "cost of Canadian-produced goods" have the meaning assigned to them by The Export Credits Insurance Act of Canada or any regulations made thereunder.

ARTICLE 2

Subject to the terms and conditions of this Agreement the Government of Canada at the request of the Government of France agrees to lend to the Government of France such amounts not exceeding in the aggregate \$242,500,000 as may from time to time be requisitioned from the Government of Canada by the Government of France.

ARTICLE 3

The Minister of Finance of Canada will pay the amounts requisitioned under Article 2 of this Agreement into the account of the Bank of France with the Bank of Canada.

ARTICLE 4

The Government of France will expend moneys received by it by way of loan under this Agreement for the purpose of purchasing from exporters and paying the cost of Canadian-produced goods exported or to be exported from Canada to Metropolitan France (including Algeria), the Union of Indo-China, and generally to any French colony, country under French protectorate, or territory under French mandate or for any other purpose approved by the Government of Canada for which loans may be made under Part II of The Export Credits Insurance Act of Canada as amended from time to time.

ARTICLE 5

The Government of France agrees to pay interest at the rate of three per centum per annum on each amount paid by the Minister of Finance of Canada into the account of the Bank of France with the Bank of Canada as provided for in Article 3 of this Agreement from the date when it is paid into that account until the date of consolidation of the debt into a consolidated debt as provided for in Article 6 of this Agreement.

ARTICLE 6

The Government of France agrees that the amounts paid by the Minister of Finance of Canada on the requisition of the Government of France pursuant to Article 3 of this Agreement during the period commencing on the date of the coming into force of this Agreement and ending on June 30, 1947, and interest thereon as provided in Article 5 of this Agreement, shall be consolidated into one amount called the consolidated debt, at the end of the said period, and the Government of France shall thereupon deliver to the Minister

ACCORD FINANCIER ENTRE LE GOUVERNEMENT FRANÇAIS ET LE GOUVERNEMENT CANADIEN

Signé à Ottawa le 9 avril 1946

Le Gouvernement Français et le Gouvernement Canadien ont convenu de ce qui suit:

ARTICLE PREMIER

Dans le présent Accord les expressions "exportateurs", "marchandises d'origine canadienne" et "prix des marchandises d'origine canadienne" ont le sens que leur donne la loi canadienne sur l'Assurance sur les Crédits à l'Exportation ou tout règlement pris en vertu de cette loi.

ARTICLE 2

Le Gouvernement Canadien convient, à la demande du Gouvernement Français, de mettre à la disposition de celui-ci, aux termes et conditions du présent Accord, un crédit qui pourra faire l'objet de réquisitions successives de la part du Gouvernement Français dans la limite d'un montant maximum de deux cent quarante-deux millions cinq cent mille dollars canadiens (\$242.500.000).

ARTICLE 3

Le Ministre des Finances du Canada versera les sommes faisant l'objet des réquisitions prévues à l'Article 2 ci-dessus au compte ouvert par la Banque du Canada à la Banque de France.

ARTICLE 4

Le Gouvernement Français affectera les sommes qu'il aura reçues à titre de prêt en vertu du présent Accord à l'achat et au paiement aux exportateurs de marchandises d'origine canadienne exportées ou destinées à être exportées du Canada vers la France métropolitaine (y compris l'Algérie), l'Union Indo-chinoise, et, d'une façon générale, vers toutes les colonies, possessions et protectorats français, ou à toutes autres fins approuvées par le Gouvernement Canadien et pour lesquelles des prêts pourraient être consentis en vertu de la 2e partie de la loi canadienne de l'Assurance sur les Crédits à l'Exportation et ses amendements éventuels.

ARTICLE 5

Les sommes versées au compte précité de la Banque de France conformément à l'Article 3 ci-dessus porteront un intérêt de 3% par an à partir de la date du versement jusqu'à la date de la consolidation de la dette dans les conditions prévues à l'Article 6 ci-après.

ARTICLE 6

Les sommes versées par le Ministre des Finances du Canada conformément à l'Article 3 précité pendant la période comprise entre la date de la mise en vigueur du présent Accord et le 30 juin 1947, d'une part, et les intérêts portés par ces sommes dans les conditions prévues à l'Article 5 ci-dessus, d'autre part, seront consolidés au 30 juin 1947 en un seul montant appelé dette consolidée. Le Gouvernement Français remettra à cette date au Ministre des Finances

of Finance of Canada bonds of a face value equal to such consolidated debt, which bonds shall constitute valid, binding, absolute and unconditional obligations of the Government of France. The said bonds shall bear interest at the rate of three per centum per annum, payable semi-annually on December 31 and June 30 and shall mature serially in thirty equal annual amounts of principal payable on December 31, 1947, and on December 31 in each year thereafter up to and including the year 1976.

ARTICLE 7

Any portion of the loan of \$242,500,000 referred to in Article 2 of this Agreement which has not been requisitioned by the Government of France in accordance with Article 2 on or before June 30, 1947, shall lapse and be no longer payable by the Government of Canada unless the two Governments otherwise agree.

ARTICLE 8

It is mutually agreed by the Parties hereto that payments by the Government of France under this Agreement shall be in Canadian dollars. These Canadian dollars shall be obtained in such ways as may be authorized or prescribed in any general monetary agreement to which the Government of Canada and the Government of France are parties or in any special monetary agreement between the Government of Canada and the Government of France in force at the time payment is effected. If no such general or special monetary agreement is in force at the time when any particular payment falls due and if Canadian exchange control regulations specify at that time that exports from Canada to France shall be paid for in a specified foreign currency, then the Canadian dollars required to effect that particular payment shall be obtained by the Government of France through the sale of such specified foreign currency to an authorized dealer of the Foreign Exchange Control Board (or successor agency) at the published official buying rate.

ARTICLE 9

The Government of Canada agrees that the Government of France shall have the right to redeem any or all of the bonds to be delivered to the Government of Canada under Article 6 of this Agreement prior to their maturities at par plus accrued interest if the Government of France tenders payment in Canadian dollars acquired in the manner provided in Article 8 of this Agreement.

ARTICLE 10

This Agreement is subject to ratification by the French Constituent Assembly and shall come into force on the date on which the Government of France notifies the Government of Canada of such ratification.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

SIGNED in duplicate, in English and in French, both texts being equally authentic, at Ottawa, this ninth day of April, 1946.

FOR THE GOVERNMENT OF CANADA:

J. L. ILSLEY,
Minister of Finance.

FOR THE GOVERNMENT OF THE FRENCH REPUBLIC:

J. DE HAUTECLOCQUE,
Ambassador of France to Canada.

du Canada des obligations d'une valeur nominale égale au montant de cette dette consolidée, obligations qui constitueront de sa part une reconnaissance valide absolue et inconditionnelle de ses engagements. Ces obligations porteront intérêt au taux de 3% par an, payable semestriellement le 31 décembre et le 30 juin de chaque année. La dette consolidée sera amortissable en trente annuités égales payables la première le 31 décembre 1947 et les suivantes le 31 décembre de chacune des années suivantes jusqu'en 1976 inclusivement.

ARTICLE 7

La partie du crédit de \$242.500.000 qui n'aura pas fait l'objet d'une réquisition du Gouvernement Français par application de l'Article 2 avant le 30 juin 1947 sera annulée et le Gouvernement Canadien ne sera plus tenu d'en effectuer le versement à moins que les deux Gouvernements n'en décident autrement d'un commun accord.

ARTICLE 8

Les Parties Contractantes conviennent que les paiements du Gouvernement Français prévus par le présent Accord seront effectués en dollars canadiens. Ces dollars canadiens seront obtenus par les moyens qui pourront être autorisés ou prescrits par tout accord monétaire général auquel le Gouvernement Canadien et le Gouvernement Français seraient parties ou par tout accord monétaire particulier entre le Canada et la France en vigueur à l'époque où le paiement sera effectué. A défaut d'accord monétaire général ou particulier en vigueur à l'époque de l'une des échéances de l'emprunt et si, à la même époque, les règlements de la Commission de Contrôle du Change Etranger canadienne spécifient que les exportations du Canada vers la France doivent être payées en une devise étrangère déterminée, le Gouvernement Français devra se procurer les dollars canadiens nécessaires à ce paiement par la vente de cette devise étrangère déterminée à un intermédiaire agréé par la Commission de Contrôle du Change Etranger canadienne (ou tout organisme canadien qui pourra en exercer les fonctions par la suite) et au cours officiel d'achat.

ARTICLE 9

Le Gouvernement Français se réserve la faculté de rembourser en tout ou en partie, principal et intérêts échus, avant la date normale de leur amortissement, les obligations visées à l'Article 6 ci-dessus, étant entendu que le remboursement doit être effectué en dollars canadiens acquis dans les conditions prévues à l'Article 8.

ARTICLE 10

Le texte du présent Accord sera soumis, pour ratification, au vote de l'Assemblée Constituante de France et prendra effet du jour où cette ratification sera notifiée par le Gouvernement Français au Gouvernement Canadien.

EN FOI DE QUOI les soussignés, dûment autorisés à cet effet par leur Gouvernement respectif, ont signé le présent Accord en deux exemplaires, l'un en anglais et l'autre en français, faisant chacun foi, à Ottawa, ce neuvième jour d'avril 1946.

POUR LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE:

L'Ambassadeur de France au Canada,

J. DE HAUTECLOCQUE.

POUR LE GOUVERNEMENT DU CANADA:

Le Ministre des Finances,

J. L. ILSLEY.

APPENDIX

EXCHANGE OF NOTES BETWEEN CANADA AND FRANCE RELATING TO THE FINANCIAL AGREEMENT SIGNED AT OTTAWA, APRIL 9, 1946

I

*The Canadian Minister of Finance
to the French Ambassador*

OTTAWA, April 9, 1946.

EXCELLENCY:

I am writing to place on record our understandings in respect of certain matters relating to the credit agreement which you and I have signed to-day on behalf of the Government of France and the Government of Canada.

I wish first to record our understanding that the Government of Canada has no intention at present of selling, pledging, or otherwise negotiating the bonds to be given by the Government of France in accordance with Article 6 of the Agreement, and that if the Government of Canada should later desire to sell, pledge or otherwise negotiate any of these bonds, it will give the Government of France at least six months' notice of its intention to do so, unless the Government of France expressly waives its right to such notice.

I wish secondly to record our understanding that the bonds to be given by the Government of France in accordance with Article 6 of the Agreement will be in a form acceptable to both Governments, and will each contain a provision that such bond is one of a series given under the Agreement, and that if the principal amount of any one of these bonds is not paid on or before the date on which it is due, the principal of each bond in the series not already paid will immediately become due and payable, if the holder so decides.

I wish thirdly to record that I agree to the use for the payment of interest or the redemption of the bonds to be given under the Agreement of any Canadian dollars held by the Government of France, the Bank of France, or French nationals, which are or have been acquired by any one of them from the sale in Canada of Canadian securities or property owned by any one of them or from the earnings on such securities or property, and in particular I agree to the use, for this purpose, of any Canadian dollars acquired by the Government of France from the requisitioning, in accordance with the laws of France, of Canadian dollar balances or Canadian securities held by nationals or residents of France. It is understood, of course, that the sale of Canadian securities is subject to the Foreign Exchange Control Order of Canada and any subsequent law to the same or similar effect. I wish also to record that I agree to the use for the payment of interest or the redemption of the bonds to be given under the Agreement, of any Canadian dollars accruing to France from the proceeds of French exports to Canada, or from other current account transactions between France and Canada. In speaking of France in this paragraph I mean to include the whole French area to which our Credit Agreement relates.

I should also record here again, for convenience, the understanding reached between M. Jean Monnet and myself last September and embodied in our exchange of letters at that time concerning the program of purchases to be made by the Government of France in Canada, which are to be financed under this credit. In accordance with later conversations, and the terms of the

APPENDICE

ÉCHANGE DE NOTES ENTRE LE CANADA ET LA FRANCE CONCERNANT L'ACCORD COMMERCIAL SIGNÉ À OTTAWA LE 9 AVRIL 1946

I

*Le Ministre des Finances du Canada
à l'Ambassadeur de France*

OTTAWA, le 9 avril 1946.

EXCELLENCE,

Cette lettre a pour objet de confirmer notre accord concernant certains points de l'accord de crédit que nous avons signé aujourd'hui au nom des gouvernements français et canadien.

Je désire tout d'abord préciser que le gouvernement canadien n'a pas l'intention à l'heure actuelle de vendre, de mettre en gage, ou de négocier de toute autre manière, les obligations qui doivent lui être remises par le gouvernement français en exécution de l'article 6 de l'accord. Si le gouvernement canadien devait plus tard envisager de vendre, mettre en gage, ou négocier de toute autre manière, l'une quelconque de ces obligations, il en donnerait préavis au gouvernement français six mois à l'avance, à moins que ce dernier ne renonce expressément à un tel préavis.

Je désire en second lieu préciser que les obligations à remettre par le gouvernement français conformément à l'article 6 de l'accord devront revêtir une forme acceptée par nos deux gouvernements et qu'elles devront comporter une clause indiquant qu'elles font partie d'une série remise conformément à l'accord, et qu'au cas où l'une d'entre elles ne serait pas remboursée à l'échéance, le capital de toutes les obligations de la série deviendrait immédiatement exigible et remboursable au gré du porteur.

Je tiens en troisième lieu à vous confirmer mon accord à l'emploi pour le service des obligations précitées de tous dollars canadiens provenant soit des revenus soit du produit de la vente de biens canadiens mobiliers ou immobiliers détenus par le gouvernement français, par la Banque de France, ou par des nationaux français, et en particulier je suis d'accord pour que soient utilisés pour le service des obligations précitées tous dollars canadiens acquis par le gouvernement français, conformément à la loi française, par la réquisition de comptes en dollars canadiens ou de valeurs canadiennes détenues par des nationaux ou des résidents français. Il est entendu naturellement que la vente de titres canadiens reste soumise aux dispositions de l'ordonnance sur le contrôle des changes au Canada ainsi qu'à toute législation à venir s'y rapportant. Je désire également souligner que j'accepte que soient utilisés pour le service des obligations précitées tous dollars canadiens qui pourraient provenir des exportations françaises vers le Canada ou de toute autre transaction de comptes courants entre la France et le Canada. Parlant de la France dans ce paragraphe j'entends inclure toute la zone franc à laquelle se rapporte notre accord de crédit.

Je dois également rappeler ici à toutes fins utiles l'accord qui est intervenu au mois de septembre dernier entre M. Jean Monnet et moi-même et qui a fait à l'époque l'objet d'un échange de lettres en ce qui concerne le programme d'achat du gouvernement français au Canada et le financement de celui-ci au moyen du crédit précité. Conformément aux conversations qui ont suivi ainsi

agreement itself, we are extending the period covered by the agreement to June 30, 1947, rather than December 31, 1946, the date to which M. Monnet and I originally agreed. It is our understanding that the amount of the credit used will not exceed 80 per cent of the value of the purchases made by the Government of France in Canada during the period from 20th July, 1945, to June 30, 1947. These purchases will include any items within the program which your Supply Council has submitted which are ordered subsequent to 19th July, 1945, and delivered prior to 1st July 1947, plus any items ordered during this period for later delivery, such as ships, if these are agreed to be included by your Supply Council and by the Canadian Department of Trade and Commerce. We shall also be prepared to see included in the program any other items ordered during this period which have not been specified in your original program, if these are agreed by your Supply Council with the Department of Trade and Commerce and the Department of Finance. It is further understood that the remaining 20 per cent of the cost of these purchases will be paid by the Government of France in cash, in accordance with the agreement of last August respecting financial settlements between Canada and the franc zone.

I would be glad if you would confirm that your understanding of the points mentioned above is the same as that which I have expressed.

I would like to take this opportunity of noting the pleasure which my colleagues and I have had in making this Agreement with your Government, and to say that we hope that the supplies and equipment which France obtains from Canada will contribute effectively to the rebuilding and development of your great nation. I look forward with pleasure to the closer economic relations between France and Canada to which this will lead, and I hope it will shortly be possible for our two Governments to join in action to reduce the barriers to trade and in other positive measures to promote our mutual welfare.

Yours very truly,

J. L. ILSLEY.

II

*The French Ambassador
to the Canadian Minister of Finance
(Translation)*

No. 46

OTTAWA, April 9, 1946.

MONSIEUR LE MINISTRE,

I have the honour to confirm to you my agreement respecting the different points dealt with in your letter of the 9th of this month with reference to the granting of a credit of \$242,500,000 by the Canadian Government to the French Government in pursuance of the Canadian Export Credits Insurance Act.

The French Government has instructed me on this occasion to inform you that it hoped it would be possible for you to obtain an amendment to the Canadian Export Credits Insurance Act with a view to including in the agreement which has just been signed, in addition to merchandise, services of Canadian origin.

Lastly I wish to state how much the French Government appreciates the assistance which thus is furnished it by the Canadian Government in the difficult period of reconstruction of its economy and which will be a useful contribution to the later development of economic relations between our two countries.

Accept, Sir, the assurance of my high consideration.

J. DE HAUTECLOCQUE.

qu'aux termes de l'accord, nous prolongeons la période de l'accord jusqu'au trente juin 1947 au lieu du 31 décembre 1946, date sur laquelle M. Monnet et moi-même nous nous étions d'abord mis d'accord. Nous comprenons que le montant du crédit utilisé ne dépassera pas 80 pour cent de la valeur des achats effectués par le gouvernement français au Canada entre la période du 20 juillet 1945 et du 30 juin 1947. Ces achats comprendront tous les articles repris au programme que vous avez présenté et qui ont été commandés postérieurement au trente juin 1945 et livrés avant le 1er juillet 1947 ainsi que toutes les commandes effectuées pendant cette même période en vue d'une livraison ultérieure, les navires par exemple, à condition que votre Conseil français d'Approvisionnement et le Ministère du Commerce canadien soient d'accord pour les inclure dans le programme. Nous sommes également prêts à voir inclure dans le programme tous autres articles commandés pendant cette période et qui n'auraient pas figuré au programme initial, à condition que ces articles aient fait l'objet d'une entente entre votre Conseil d'Approvisionnement et les Ministères du Commerce et des Finances canadiens. Enfin il est entendu que le reliquat de 20% du montant des achats sera payé au comptant par le gouvernement français dans les conditions prévues dans notre accord du mois d'août dernier relatif au règlement financier entre le Canada et la zone franc.

Je serais heureux que vous veuilliez bien me confirmer votre accord sur les différents points exposés ci-dessus. Je saisissi cette occasion pour exprimer le plaisir que mes collègues et moi-même avons eu à conclure cet accord avec votre gouvernement et pour vous dire que nous espérons que les fournitures et le matériel d'équipement que la France obtiendra au Canada contribueront d'une façon efficace à la reconstruction et au développement de votre grande nation. Je prévois avec plaisir qu'il amènera la France et le Canada à avoir des relations économiques plus étroites et j'espère que nos deux gouvernements pourront bientôt entreprendre une action commune en vue de réduire les obstacles au commerce et d'adopter d'autres mesures positives propres à accroître notre prospérité mutuelle.

J. L. ILSLEY.

II

*L'Ambassadeur de France
au Ministre des Finances canadien*

AMBASSADE DE FRANCE AU CANADA

OTTAWA, le 9 avril 1946.

No 46

MONSIEUR LE MINISTRE,—J'ai l'honneur de vous confirmer mon accord sur les différents points traités dans votre lettre du 9 de ce mois au sujet de l'octroi d'un crédit de 242.500.000 dollars par le Gouvernement canadien au Gouvernement français en application de la loi canadienne sur l'assurance des crédits à l'exportation.

Le Gouvernement français m'a chargé à cette occasion de vous faire savoir qu'il espérait qu'il vous serait possible d'obtenir une modification de la loi canadienne sur l'assurance des crédits à l'exportation en vue d'inclure dans l'accord qui vient d'être signé, en plus des marchandises, les services d'origine canadienne.

Je tiens enfin à vous dire combien le Gouvernement français apprécie l'aide qui lui est ainsi apportée par le Gouvernement canadien dans la délicate période de reconstruction de son économie et qui contribuera utilement au développement ultérieur des relations économiques entre nos deux pays.

Veuillez agréer, Monsieur le Ministre, l'assurance de ma haute considération.

J. DE HAUTECLOCQUE.

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(CANADA)

TREATY SERIES, 1946

— No. 15 —

AGREEMENT

BETWEEN

CANADA, NEWFOUNDLAND
AND THE UNITED KINGDOM

RESPECTING

DEFENCE INSTALLATIONS IN
NEWFOUNDLAND

Signed in St. John's, April 8, and in London, May 3, 1946

In Force March 31, 1946



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

1946

CANADA
TREATY SERIES, 1946
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1946

AGREEMENT BETWEEN THE GOVERNMENTS OF CANADA, NEWFOUNDLAND AND THE UNITED KINGDOM RESPECTING DEFENCE INSTALLATIONS IN NEWFOUNDLAND.

Signed in St. John's, April 8, and in London, May 3, 1946

The Governments of Canada, Newfoundland and the United Kingdom, having examined the various problems relating to defence installations constructed in Newfoundland under various agreements and understandings made during the recent war, and having considered their respective interests in Western Hemisphere defence, have agreed as follows:—

ARTICLE 1

In this Agreement the expression "Newfoundland" shall mean Newfoundland and its Dependencies and the territorial waters thereof.

ARTICLE 2

(a) The Government of Canada shall re-transfer control and operation of the Newfoundland Airport at Gander and the seaplane bases at Gleneagles and Botwood to the Government of Newfoundland as of March 31, 1946, and the obligations of the Government of Canada under the Air Bases Agreement of April 17, 1941, between the Governments of Canada and Newfoundland shall thereupon cease and shall be deemed to have been discharged.

(b) In order to assist the Government of Newfoundland in maintaining the continuous operation of the Newfoundland Airport, a progressive withdrawal of Canadian personnel from March 31, 1946 to May 31, 1946 may be arranged between the Royal Canadian Air Force and the Newfoundland Director of Civil Aviation.

(c) With a view to facilitating the development of the Newfoundland Airport as a civil airport, the Government of Canada forgoes its rights with respect to a lease at the Newfoundland Airport under Article VII of the said Air Bases Agreement of April 17, 1941.

(d) The Government of Canada shall transfer to the Government of Newfoundland all the buildings, hangars and works constructed by the Government of Canada at the Newfoundland Airport, and all the equipment and supplies of the Government of Canada at the Airport, excluding stocks of solid and liquid fuels, oils and lubricants and the equipment and supplies of the Department of Transport of the Government of Canada, and the Government of Newfoundland shall pay therefor the sum of one million dollars in such instalments and at such times as may be agreed upon.

(e) The Government of Newfoundland shall provide at the Newfoundland Airport such accommodation as may be required by the Canadian Armed Forces during the period of progressive withdrawal from the Airport and for the storage of such supplies as remain after March 31, 1946.

(f) During the provision by the Government of Canada of the Meteorological Service and Radio Range Service at the Newfoundland Airport the Government of Newfoundland shall maintain suitable office and living accommodation for the necessary staffs of these Services, the location, type and standard of this accommodation to be agreed between the Governments of Canada and Newfoundland.

(g) The responsibility for the operation and maintenance of the Radio Range at the Newfoundland Airport shall be the subject of separate negotiations between the Governments of Canada and Newfoundland.

(h) In the event of an outbreak of hostilities involving Canada and Newfoundland the Government of Newfoundland, at the request of the Government of Canada, shall transfer control and operation of the Newfoundland Airport to the Government of Canada for the duration of hostilities: Provided that during the control and operation of the Airport by the Government of Canada no part of the Airport shall be handed over to the control of a third party without the prior consent of the Government of Newfoundland, and that the Government of Canada shall maintain in repair, except in respect of damage occasioned by enemy action, the buildings owned by the Government of Newfoundland at the date of transfer and shall return possession thereof to the Government of Newfoundland on the cessation of hostilities.

ARTICLE 3

The Government of Canada forgoes its rights with respect to leases at the seaplane bases at Botwood and Gleneagles under the provisions of Article VII of the said Air Bases Agreement of April 17, 1941.

ARTICLE 4

(a) Title in fee simple to the lands of Torbay Airport and its subsidiary installations shall be vested in the Government of Canada in accordance with the understanding between the Governments of Canada and Newfoundland at the time of the construction of the Airport.

(b) Torbay Airport may be operated as a commercial airport by the Government of Canada for the air service between Newfoundland and Canada, in accordance with such laws and regulations in force from time to time in Newfoundland as may be applicable to civil aviation.

(c) Torbay Airport shall be available to Newfoundland civil and military aircraft on terms not less favourable than those applicable to Canadian civil and military aircraft.

(d) Torbay Airport shall be available for emergency landing by any civil or military aircraft.

(e) Any landing fees imposed on civil aircraft using Torbay Airport shall enure to the Government of Canada, provided that any revenue from landing fees or other charges in excess of the costs of operating the Airport for civil purposes shall be paid to the Government of Newfoundland.

(f) The Government of Canada may construct and maintain at Torbay Airport such installations for defence purposes and may maintain there such military equipment and supplies as it deems advisable.

(g) The Government of Canada may use Torbay Airport for military training and requirements including the stationing there of military aircraft and personnel for such purposes.

(h) In order to avoid doubt it is hereby declared that the laws of Newfoundland shall be applicable throughout Torbay Airport and to all persons therein, and duly authorized officials of the Government of Newfoundland shall have access at all reasonable times to the Airport in the course of the carrying out of their duties.

(i) The Government of Canada shall provide suitable accommodation for the Customs, Immigration and Posts and Telegraphs services of the Government of Newfoundland at Torbay Airport.

(j) The Government of Canada shall as far as practicable employ Newfoundland labour at Torbay Airport.

(k) The Government of Newfoundland shall enact Aerodrome Zoning Regulations to ensure the safety of aircraft using Torbay Airport.

ARTICLE 5

(a) The Government of Canada and Newfoundland, and as necessary the Government of the United Kingdom, will consult with one another from time to time as occasion may require with a view to co-ordinating defence requirements in Newfoundland. The Government of Canada may establish and operate in Newfoundland such facilities and installations as, at any such consultation, may be agreed to be necessary.

(b) Canadian and United Kingdom military aircraft may fly over Newfoundland and use airports therein under Newfoundland or Canadian control, as required, without payment of landing fees but subject to the payment of current charges for fuel, repairs, accommodation and other services. Notification shall, however, be given in advance to the appropriate air traffic control and airport authorities.

(c) The Government of Canada may in consultation with the Government of Newfoundland carry out air photography and make topographic and hydrographic surveys in Newfoundland. Copies of maps, charts and other data resulting therefrom shall be available to the Government of Newfoundland.

ARTICLE 6

This Agreement shall enter into force as from the 31st day of March, 1946, and shall remain in force for a period of three years, and thereafter shall continue in force subject to revision by mutual agreement or to termination after twelve months' notice by any one of the contracting Governments.

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed this Agreement.

*Signed on behalf of the
Government of Canada:*

J. S. MACDONALD,

*Signed on behalf of the
Government of Newfoundland:*

J. S. NEILL,

*Signed on behalf of the
Government of the United Kingdom:*

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(CANADA)

TREATY SERIES, 1946

No. 16

EXCHANGES OF NOTES

BETWEEN

CANADA AND FRANCE

CONCERNING

THE RELEASE OF PRIVATE PROPERTY
FROM GOVERNMENT CONTROL

Dated at Ottawa, February 12, March 22, 23 and 27,
and April 3, 1946

RECUEIL DES TRAITÉS 1946

N° 16

ÉCHANGES DE NOTES

ENTRE

LE CANADA ET LA FRANCE

VISANT

LA MAINLEVÉE DU CONTRÔLE
DU GOUVERNEMENT
SUR CERTAINS BIENS PRIVÉS

Datées à Ottawa, les 12 février, 22, 23 et 27 mars
et 3 avril 1946



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

CANADA

TREATY SERIES, 1946

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Datées à Ottawa, les 12 février, 22, 23 et 27 mars
et 3 avril 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

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**EXCHANGES OF NOTES (FEBRUARY 12, MARCH 22, 23, AND 27, AND
APRIL 3, 1946) BETWEEN CANADA AND FRANCE CONCERNING
THE RELEASE OF CERTAIN PRIVATE PROPERTY FROM
GOVERNMENT CONTROL.**

I

EXCHANGE OF NOTES OF FEBRUARY 12 AND MARCH 22, 1946

*The Secretary of State for External Affairs
to the French Ambassador*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, February 12, 1946.

EXCELLENCY,

I have the honour to refer to your Note No. 14, dated January 14, 1946, regarding the arrangements being made for the release of French private assets at present under the control of the Custodian of Enemy Property in Canada.

2. The annexed memorandum has been prepared as an outline of the policy which the Government of Canada proposes to follow in the release of the above-mentioned assets.* It also sets out the understanding of the Government of Canada regarding the attitude of the French Government to the release of these assets and to related problems.

3. If the proposals are acceptable, the present Note with the annexed memorandum, and your reply thereto, will be considered as placing on formal record the understanding between the two Governments in this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

N. A. ROBERTSON,
*For the Secretary of State
for External Affairs.*

*The French Ambassador
to the Secretary of State for External Affairs*

(Translation)

FRENCH EMBASSY IN CANADA

OTTAWA, March 22, 1946.

No. 65

SIR,

With reference to your letter of February 12 last, I have the honour to inform you that my Government agrees to the Memorandum attached to your above letter concerning the de-blocking of private French assets sequestered in Canada.

As you kindly suggested, this letter together with yours of February 12 shall constitute an agreement between our two Governments as of to-day, March 22.

Accept, Sir, the assurances of my highest consideration.

J. DE HAUTECLOCQUE.

* For the text of the Memorandum see page 10 below.

**ÉCHANGES DE NOTES (12 FÉVRIER, 22, 23 ET 27 MARS ET 3 AVRIL
1946) ENTRE LE CANADA ET LA FRANCE VISANT LA MAIN-
LEVÉE DU CONTRÔLE DU GOUVERNEMENT SUR CERTAINS
BIENS PRIVÉS.**

I

ÉCHANGE DE NOTES DU 12 FÉVRIER ET DU 22 MARS 1946

*Le Secrétaire d'Etat aux Affaires Extérieures
à l'Ambassadeur de France
(Traduction)*

MINISTÈRE DES AFFAIRES EXTÉRIEURES

OTTAWA, le 12 février 1946.

EXCELLENCE,

J'ai l'honneur de me référer à la note n° 14 de Votre Excellence, en date du 14 janvier 1946 relative aux arrangements qui sont faits en vue de la libération des avoirs privés français actuellement placés sous le contrôle du Séquestre aux Biens Ennemis au Canada.

2. Le mémorandum ci-joint vise à définir la politique que le Gouvernement Canadien entend suivre en vue de libérer les avoirs précités.* Il expose en outre l'attitude du Gouvernement Français, d'après le Gouvernement Canadien, à l'égard de la libération de ces avoirs et des problèmes qui s'y rattachent.

3. Si ces propositions conviennent au Gouvernement Français, la présente Note et le mémorandum y annexé, ainsi que la Note de Votre Excellence en réponse, seront considérées comme constatant l'accord intervenu entre les deux Gouvernements à ce sujet.

Veuillez agréer, Excellence, les assurances réitérées de ma très haute considération.

*Pour le Secrétaire d'Etat
aux Affaires Extérieures,
N. A. ROBERTSON.*

*L'Ambassadeur de France
au Secrétaire d'Etat aux Affaires Extérieures*

AMBASSADE DE FRANCE AU CANADA

OTTAWA, le 22 mars 1946.

N° 65

MONSIEUR LE SOUS-SECRÉTAIRE D'ETAT,

En me référant à votre lettre du 12 février dernier, j'ai l'honneur de vous faire connaître l'accord de mon Gouvernement au mémorandum annexé à votre lettre précédente et relatif au déblocage des biens privés français sous séquestre du Canada.

Comme vous avez bien voulu me le proposer, la présente lettre ainsi que votre lettre du 12 février tiendront lieu d'accord entre nos deux Gouvernements, cet accord devant prendre la date d'aujourd'hui, à savoir le 22 mars.

Veuillez agréer, Monsieur le Sous-Secrétaire d'Etat, l'assurance de ma haute considération.

J. DE HAUTECLOCQUE.

* Pour le texte de ce Memorandum voir page 11 *infra*.

II

EXCHANGE OF NOTES OF MARCH 22 AND 27, 1946

*The French Ambassador
to the Secretary of State for External Affairs*

(Translation)

FRENCH EMBASSY IN CANADA

OTTAWA, March 22, 1946.

No. 66

SIR,

Referring to my letter No. 65 of even date, whereby I informed you of the agreement of my Government on the memorandum attached to your letter of February 12, relative to the release of French private property under control of the Custodian of Enemy Property in Canada, I have the honour to send you herewith the official French text of this memorandum.

I should be obliged if you would be so good as to let me have confirmation of your agreement upon this text which will have the same authenticity as the English version.

Accept, Sir, the assurance of my highest consideration.

J. DE HAUTECLOCQUE.

*The Secretary of State for External Affairs
to the French Ambassador*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, March 27, 1946.

No. 39

EXCELLENCY,

I have the honour to refer to your note No. 66 of March 22, enclosing a copy of the French version of the Agreement for the release of French assets held by the Custodian of Enemy Property.

I am pleased to advise you that I find the French text to be in accordance with the English version in every respect.

Accept, Excellency, the renewed assurances of my highest consideration.

N. A. ROBERTSON,
*For the Secretary of State
for External Affairs.*

II

ÉCHANGE DE NOTES DES 22 ET 27 MARS 1946

*L'Ambassadeur de France
au Sous-Secrétaire d'Etat aux Affaires Extérieures*

AMBASSADE DE FRANCE AU CANADA

OTTAWA, le 22 mars 1946.

N° 66

MONSIEUR LE SOUS-SECRÉTAIRE D'ETAT,

Me référant à la lettre n° 65 en date de ce jour, par laquelle je vous ai fait part de l'accord de mon Gouvernement au mémorandum annexé à votre lettre du 12 février, relatif au déblocage des biens privés français sous séquestre au Canada, j'ai l'honneur de vous adresser ci-joint le texte officiel français de ce mémorandum.*

Je vous serais obligé de bien vouloir me confirmer votre accord sur ce texte qui fera foi au même titre que la version anglaise.

Veuillez agréer, Monsieur le Sous-Secrétaire d'Etat, l'assurance de ma haute considération.

J. DE HAUTECLOCQUE.

*Le Secrétaire d'Etat aux Affaires Extérieures
à l'Ambassadeur de France*

(Traduction)

MINISTÈRE DES AFFAIRES EXTÉRIEURES

OTTAWA, le 27 mars 1946.

N° 39

EXCELLENCE,

J'ai l'honneur de me référer à la note n° 66 de Votre Excellence, en date du 22 mars, transmettant un exemplaire de la version française de l'accord pour la libération des avoirs français détenus par le Séquestre aux biens ennemis.

J'ai le plaisir de vous faire savoir que j'ai trouvé le texte français conforme à la version anglaise.

Veuillez agréer, Excellence, les assurances renouvelées de ma très haute considération.

*Pour le Secrétaire d'Etat
aux Affaires Extérieures,*

N. A. ROBERTSON.

* Pour ce texte français du Mémorandum voir page 11 *infra*.

III

EXCHANGE OF NOTES OF MARCH 23 AND APRIL 3, 1946

*The French Ambassador
to the Secretary of State for External Affairs*

(Translation)

FRENCH EMBASSY IN CANADA

OTTAWA, March 23rd, 1946.

No. 68

SIR,

Referring to my letters Nos. 65 and 66 of the 22nd March, concerning the release of the French private property in Canada, I have the honour to propose that the provisions of the Memorandum, pursuant to Article 32, be made applicable to the Principality of Monaco which will be considered in this respect as forming part of the French territory.

Accept, Sir, the assurances of my high consideration.

J. DE HAUTELOCQUE.

*The Secretary of State for External Affairs
to the French Ambassador*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, April 3, 1946.

No. 42

EXCELLENCY,

I have the honour to refer to your Note No. 68 of March 23, 1946, proposing that the provisions of the Memorandum enclosed with my Note of February 12, 1946, concerning the release of French assets under the control of the Custodian of Enemy Property, be made applicable (pursuant to Article 32 of the Memorandum) to the Principality of Monaco as if it formed part of the territory of France.

I wish to inform you that I have pleasure in agreeing to this proposal.

Accept, Excellency, the renewed assurances of my highest consideration.

N. A. ROBERTSON,
*For the Secretary of State
for External Affairs.*

III

ÉCHANGE DE NOTES DU 23 MARS ET DU 3 AVRIL 1946

*L' Ambassadeur de France
au Secrétaire d'Etat aux Affaires Extérieures*

AMBASSADE DE FRANCE AU CANADA

OTTAWA, le 23 mars 1946.

N° 68

MONSIEUR LE SOUS-SECRÉTAIRE D'ETAT,

Me référant à mes lettres n^os 65 et 66 du 22 mars, concernant le déblocage des biens privés français au Canada, j'ai l'honneur de vous proposer que les dispositions du mémorandum, par application de l'article 32, soient étendues à la Principauté de Monaco qui sera considérée à cet égard comme faisant partie du territoire français.

Veuillez agréer, Monsieur le Sous-Secrétaire d'Etat, l'assurance de ma haute considération.

J. DE HAUTELOCQUE.

*Le Secrétaire d'Etat aux Affaires Extérieures
à l' Ambassadeur de France*

MINISTÈRE DES AFFAIRES EXTÉRIEURES

OTTAWA, le 3 avril 1946.

N° 42

EXCELLENCE,

J'ai l'honneur de me référer à la note n^o 68 du 23 mars 1946 par laquelle Votre Excellence a proposé que les dispositions du mémorandum joint à ma note du 12 février 1946 visant la libération des avoirs français placés sous le contrôle du Séquestre aux biens ennemis soient rendues applicables (conformément à l'article 32 du mémorandum) à la Principauté de Monaco comme si celle-ci formait partie du territoire de la France.

Je tiens à vous faire savoir que j'accepte avec plaisir cette proposition.

Veuillez agréer, Excellence, les assurances renouvelées de ma très haute considération.

*Pour le Secrétaire d'Etat
aux Affaires Extérieures,*

N. A. ROBERTSON.

ANNEX TO THE FOREGOING NOTE OF FEBRUARY 12, 1946

**THE CUSTODIAN PROPOSED POLICY
FOR THE RELEASE OF FRENCH PROPERTY**

The following is a summary of discussions which have taken place between representatives of the French Government, the Department of External Affairs and the Custodian. The Custodian is prepared to put into effect the policy outlined on being advised that the French Government agrees with the contents of this memorandum.

For the purpose of these proposals the following expressions shall be construed so that—

(a) "France" shall mean all French territory in Europe, Algeria, Tunisia and the French Zone of Morocco, and such other French territories and contiguous territories to which these proposals may be extended from time to time by the Custodian.

(b) "Persons" shall mean individuals or corporations who resided in or had their principal place of business in France on the 5th day of June, 1944.

(c) "Property" shall mean all real and personal property and all rights and interest therein, whether legal or equitable.

1. The custodian has negotiated an agreement with the United Kingdom Custodian agencies, and has reached an understanding with the United States Custodian and the United States Treasury officials on questions of conflicting jurisdiction and these proposals shall only apply to French property which will ultimately remain at the disposal of the Custodian.

2. These proposals do not apply to British subjects or Canadian citizens; the disposal of the property of such persons will be dealt with as between such persons and the Custodian.

3. Nothing in these proposals shall be deemed to override applicable local law (including Exchange Control Regulations and fiscal legislation and/or regulations) now in effect or hereafter put into effect in Canada.

4. These proposals shall only affect property vested in and/or controlled by the Custodian because of the occupation of France by the enemy and/or the issuing of an Order-in-Council proscribing the said country.

5. The Custodian will not, for the present, release any property to residents of France, nor to persons who have left France after the 5th day of June, 1944, until arrangements for release are completed with the French Government or until the views of the French Government are ascertained in any particular case with the following exceptions—

(a) The Custodian will permit the payment of pensions, arrears of pensions, Workmen's Compensation payments and current annuities including annuities under insurance policies and endowment contracts.

(b) Interim payments on compassionate grounds from accumulated revenues up to such amount as may be permitted by the Foreign Exchange Control Board for payment to British subjects or other persons residing in France, and

(c) Will release to residents of France, on production of evidence satisfactory to the Custodian, all accounts where the total value of assets is \$3,000.00 or less.

6. The Custodian will release French property only on the basis of an individual application supported by a certificate issued by L'Office des Changes.

PIÈCE JOINTE À LA NOTE PRÉCITÉE DU 12 FÉVRIER 1946

**PROPOSITIONS DU SÉQUESTRE
POUR LA MAINLEVÉE DES BIENS FRANÇAIS**

Le présent mémorandum résume les pourparlers qui ont eu lieu entre les représentants du Gouvernement français d'une part, du Ministère canadien des Affaires Extérieures et du Séquestre d'autre part. Le Séquestre canadien mettra en vigueur les mesures proposées dès réception de l'avis par lequel le Gouvernement français donnera son approbation aux propositions du présent mémorandum.

a) Pour l'application de ces propositions, on entendra par "France": tout le territoire français en Europe, l'Algérie, la Tunisie et la zone française du Maroc, ainsi que tout autre territoire français ou tout territoire attenant auquel ce mémorandum pourra ultérieurement être appliqué par le Séquestre.

b) "Personne": toute personne physique ou morale qui résidait ou avait son principal établissement commercial ou industriel en France au 5 juin 1944.

c) "Biens": toute propriété mobilière ou immobilière ainsi que tous les droits et intérêts y afférents, en droit ou en équité.

1. Les présentes dispositions ne s'appliqueront qu'aux biens français se trouvant sous le contrôle du Séquestre canadien, compte tenu de l'accord conclu par ce dernier au sujet des conflits de juridiction d'une part avec le Séquestre du Royaume-Uni et d'autre part avec le Séquestre des Etats-Unis et les représentants du Trésor Américain.

2. Les présentes propositions ne s'appliquent pas aux sujets britanniques ni aux citoyens canadiens, la disposition de leurs biens devant être réglée directement entre les intéressés et le Séquestre.

3. Rien dans les présentes dispositions ne sera censé faire obstacle à l'application des lois canadiennes, existantes ou à venir (y compris les Règlements de Contrôle des Changes, ainsi que les lois et règlements fiscaux).

4. Les présentes dispositions concernant seulement les biens assujettis au Séquestre et/ou se trouvant sous son contrôle en raison de l'occupation de la France par l'ennemi et/ou en vertu de la publication d'un arrêté en conseil prescrivant ledit pays.

5. Le Séquestre ne libérera aucun bien appartenant à des résidents de France ou à des personnes qui ont quitté la France après le 5 juin 1944, aussi longtemps que les dispositions concernant leur mainlevée n'auront pas été complétées en accord avec le Gouvernement français ou que ledit Gouvernement n'aura pas fait connaître ses intentions dans chaque cas particulier, exception faite des cas suivants:

a) Le Séquestre permettra le paiement de pensions, d'arrérages de pension, les paiements dus en vertu de la Loi des Accidents du Travail et les annuités courantes, y compris les annuités dues sur des polices d'assurance et les contrats à dotation.

b) Dans les cas de nécessité, les paiements intérimaires provenant de revenus sur les biens séquestrés, dans les limites autorisées par le Bureau du Contrôle de Changes, pourvu que ces paiements soient destinés à des sujets britanniques ou tout autre personne résidant en France.

c) Le Séquestre accordera aux personnes résidant en France, sur justification jugée par lui satisfaisante, la mainlevée de tous les comptes dont la valeur totale des avoirs est égale ou inférieure à \$3,000 00.

6. Le Séquestre n'accordera la mainlevée des avoirs français que sur demande individuelle des propriétaires, appuyée par un certificat de l'Office des Changes.

7. The Custodian will accept the certificate issued by L'Office des Changes as conclusive evidence of the bona fide of the applicant, subject to the right, notwithstanding the issue of such certificate, to discuss with the French authorities those cases wherein adverse information may be received.

8. The Custodian will supply, for the information of the French authorities, a list of names in which French accounts are recorded, together with addresses in the cases where these are known to the Custodian. This information will be in addition to the general summary of accounts and broad classification of the nature of these accounts earlier supplied to the French Government, which will be supplemented from time to time.

9. The Custodian and the French Government agencies involved will exchange information as to enemy interest affecting property vested in or controlled by the Custodian.

10. The Custodian may request, and the appropriate French Government agency will supply, information in cases where applications for release of property are from resident aliens in France.

11. Where no claim is received by the Custodian the question of the ultimate disposal of property will be discussed with the French authorities.

12. A moratorium on payments has been imposed by the Custodian's Regulations, on property vested in him and the Custodian is prepared to inform claimants that unless certain overdue payments are made before release, no moratorium will protect such property after a release is granted. The Custodian does not accept any responsibility for failure to notify such claimants.

13. The Custodian will supply certificate and release application forms to L'Office des Changes.

14. Application forms will be distributed by L'Office des Changes to claimants, on the basis of the list of names and addresses supplied by the Custodian, and on the completion of the application forms the said L'Office des Changes will collect same and attach the necessary certificates.

15. The applicant's declaration may be taken before a British or Canadian diplomatic or consular official, or such other officials in France as may be authorized by the French Government.

16. The application must be supported by a certificate signed on behalf of L'Office des Changes.

17. The application form, together with the certificate, may be sent directly to Ottawa or to the Custodian's London office.

18. In the event that a certificate is refused by L'Office des Changes that office will immediately notify the Custodian of the name of the applicant and of the grounds for refusal.

19. Where property is held for the account of a French bank or other financial institution, the Custodian will require individual applications by the customers of that bank or financial institution claiming such property so that the beneficial ownership may be determined.

20. In the case of corporations applying for the release of their property the Custodian will require an application supported by information as to the ownership of the corporation, and the Custodian will indicate whether or not he considers such corporate entity to be enemy owned or enemy controlled and will discuss all such cases with the French authorities.

21. In the case of French financial institutions holding large blocks of Canadian securities for which they have issued their own certificates, the Custodian will require information as to the ultimate beneficial ownership of the securities represented by the certificates.

22. The French Government agrees that, subject to fiscal legislation or legislation dealing with the control of foreign exchange in France, persons resident

7. Le certificat émis par l'Office des Changes constituera, pour le Séquestre, une preuve suffisante de la bonne foi du demandeur, sous réserve cependant, nonobstant l'émission du certificat, de discuter avec les autorités françaises les demandes pour lesquelles le Séquestre aurait reçu des informations contradictoires.

8. Le Séquestre remettra aux autorités françaises une liste des titulaires des comptes français, ainsi que l'adresse des intéressés lorsque celle-ci est connue. Ces informations seront données en plus du sommaire général et de la classification par nature de ces comptes déjà fournis au Gouvernement français, et qui seront mis à jour périodiquement.

9. Le Séquestre et les autorités françaises se communiqueront réciproquement tous renseignements concernant les intérêts ennemis affectant les avoirs gérés ou contrôlés par le Séquestre.

10. Le Séquestre pourra demander aux Autorités françaises compétentes, qui les lui fourniront, tous renseignements concernant des demandes de mainlevée présentées par des étrangers résidant en France.

11. Le sort des biens qui n'auront fait l'objet d'aucune demande de mainlevée fera l'objet d'un échange de vues ultérieur avec les Autorités françaises.

12. Les Règlements du Séquestre ont édicté un moratoire quant au paiement concernant les biens qui lui ont été assujettis et le Séquestre avisera les demandeurs que le moratoire ne protègera plus leur propriété après les mainlevées à moins que les paiements dus ne soient versés avant les mainlevées. Le Séquestre ne pourra être tenu responsable du défaut de notification.

13. Le Séquestre fournira à l'Office des Changes les formules de certificats et de mainlevée.

14. L'Office des Changes distribuera les demandes de mainlevée aux personnes mentionnées dans la liste des noms et adresses fournis par le Séquestre. Il les recueillera lorsqu'elles auront été remplies et il y joindra les certificats ci-dessus mentionnés.

15. Les déclarations des demandeurs devront être établies soit par-devant une autorité consulaire ou diplomatique, britannique ou canadienne, soit par-devant tout autre fonctionnaire dûment habilité par le Gouvernement français.

16. La demande de mainlevée devra être accompagnée par un certificat délivré par l'Office des Changes.

17. La demande de mainlevée, ainsi que le certificat qui y sera joint, pourra être envoyée soit directement à Ottawa soit au bureau du Séquestre à Londres.

18. Dans le cas où il refuserait son certificat, l'Office des Changes notifiera immédiatement au Séquestre le nom de l'intéressé et les motifs du refus.

19. Lorsque des biens sont détenus pour le compte d'une banque française ou de tout autre établissement financier, le client de cette banque ou établissement financier qui réclame ces biens, devra présenter une demande individuelle afin qu'il soit possible de découvrir le véritable propriétaire.

20. Le séquestre exigera que les demandes de mainlevée présentées par des Sociétés (corporation) soient accompagnées de tous renseignements utiles concernant les propriétaires ou actionnaires de ladite Société (corporation). Le Séquestre décidera alors s'il doit considérer ladite Société (corporation) comme appartenant ou étant contrôlée par des intérêts ennemis, et il discutera chaque cas particulier avec les Autorités françaises.

21. Dans le cas d'établissements financiers français détenant des valeurs canadiennes en quantités importantes, en contrepartie desquelles ils ont émis leurs propres certificats, le Séquestre devra être informé quant aux bénéficiaires réels des valeurs que les certificats représentent.

22. Le Gouvernement français a fait connaître que, sous réserve de se conformer aux lois fiscales et aux règlements du Contrôle des Changes français, les

in Canada shall be free to resume ownership and management of their property situated in France, and they agree to assist in tracing such property and restoring it to the control of such persons.

23. The French Government agrees that they will give no less favourable treatment to British subjects and/or Canadian citizens, with respect to their property in France, than they do to French citizens.

24. The French Government agrees to take such action as may be necessary to remove legal obstacles (including periods of proscription) which might prevent treatment to British subjects and/or Canadian citizens, with respect to their property in France, than they do to French citizens.

25. In negotiating any treaties of peace, the French Government agrees that, with respect to Canadian property in France seized by any enemy organization, it will endeavour to ensure the recovery of such property.

26. The representatives of the French Government had advised that certain commercial debts, interest and other liquid assets owing to persons residing in Canada, were collected by the German authorities and the French Government agrees to release such moneys to persons residing in Canada upon their application to L'Office des Changes.

27. The French Government agrees that legal disputes concerning the Custodian's management shall be settled directly between the Custodian and the interested parties. In the event, however, of the absence of settlement between the two parties, the two Governments shall consult with a view to an equitable settlement.

28. The French Government agrees that if any property is released pursuant to these proposals by the Custodian and it is subsequently found that such property is or was owned by persons residing in or carrying on business in any territory of a country that is or has been at war with Canada, the Custodian's release shall be considered null and void and the property will be restored to the control of the Custodian.

29. The Custodian has advised the representatives of the French Government that during the war French interests in industrial property, including patents, trade marks, industrial designs and copyrights, have been protected and the Custodian is prepared to release such interests in accordance with these proposals. The representatives of the French Government have advised that they are equally prepared to restore to persons residing in Canada their interests in such property in France. It is, however, agreed that questions relating to the release of industrial property be subject to further discussions.

30. The Custodian has advised the representatives of the French Government that he will make an administration charge, as authorized by the Revised Regulations Respecting Trading with the Enemy (1943), against all property released under these proposals, except in the case of commercial credits and bank balances where the net amount received by the Custodian will be released to the beneficial owner without deducting an administration charge.

31. It is agreed that any information exchanged between the Custodian and the French authorities under these proposals shall be considered as strictly confidential and not to be made available to any other persons or Governments.

32. These proposals will be considered by the Custodian and by the French Government as a modus operandi subject to such changes as may be agreed upon from time to time and will be considered as coming into effective operation on the date that the representatives of the French Government advise the Custodian that the proposals are acceptable.

Dated at Ottawa this 12th day of February, 1946.

personnes qui résident au Canada ont la liberté de reprendre la propriété et l'administration de leurs avoirs en France, et il s'engage à leur prêter assistance pour retrouver leurs biens et pour en reprendre le contrôle.

23. Le Gouvernement français accordera aux sujets britanniques et aux citoyens canadiens un traitement qui ne sera pas moins favorable que celui dont bénéficient les citoyens français, en ce qui concerne les biens situés en France.

24. Le Gouvernement français prendra les mesures nécessaires pour écarter les obstacles juridiques, (y compris les délais de proscription) qui pourraient empêcher un règlement équitable de dettes en suspens, ou la restitution à des personnes résidant au Canada de leurs biens situés en France.

25. Lors de la négociation des traités de paix le Gouvernement français s'efforcera d'assurer la restitution à leurs propriétaires des biens situés en France qui auraient été saisis par une organisation ennemie.

26. Les représentants du Gouvernement français ont fait connaître que certaines dettes commerciales, intérêts et autres avoirs liquides dus à des personnes résidant au Canada, ont été encaissés par les Autorités allemandes. Le Gouvernement français accordera la mainlevée de ces sommes auxdits résidents canadiens qui en feront la demande à l'Office des Changes.

27. Le Gouvernement français est d'accord pour que les litiges éventuels concernant la gestion du Séquestre soient réglés directement entre le Séquestre et les intéressés. Au cas toutefois où aucun accord n'interviendrait entre les deux parties, les deux Gouvernements se consulteraient en vue d'aboutir à un règlement équitable.

28. Dans le cas où postérieurement à la mainlevée du Séquestre des informations nouvelles révéleraient que certains biens qui auraient été libérés appartiendraient à des personnes résidant ou ayant leur activité dans un pays qui aurait été en guerre avec le Canada, le Gouvernement français est d'accord pour considérer cette mainlevée comme nulle et non avenue, et les biens en question seront placés à nouveau sous le contrôle du Séquestre.

29. Le Séquestre a fait connaître aux représentants du Gouvernement français que durant la guerre les intérêts français relatifs à la propriété industrielle, y compris les brevets, marques de fabrique, dessins industriels, copyrights et droits d'auteur ont été protégés. Le Séquestre est prêt à accorder la mainlevée de ces biens dans le cadre des présentes dispositions. Les représentants du Gouvernement français ont fait connaître qu'ils sont également prêts à restaurer les personnes résidant au Canada dans leurs droits au titre de semblables biens en France. Il est cependant entendu que les questions concernant la mainlevée des intérêts relatifs à la propriété industrielle feront l'objet de discussions ultérieures.

30. Le Séquestre a informé les représentants du Gouvernement français qu'en application des règlements revisés sur le commerce avec l'ennemi, il fera supporter des frais d'administration aux biens qui feront l'objet d'une mainlevée en application des présentes dispositions. Toutefois, le Séquestre ne fera pas supporter de frais d'administration aux crédits commerciaux et autres crédits bancaires.

31. Il est convenu que tous renseignements qui pourront être échangés entre le Séquestre et les Autorités françaises par application des présentes dispositions seront considérés comme strictement confidentiels et ne devront être communiqués à aucun gouvernement, ni à aucune autre personne.

32. Le Séquestre et le Gouvernement français considéreront les présentes dispositions comme un "modus operandi", sujet à toute modification qui pourrait être acceptée ultérieurement. Le présent mémorandum entrera en application dès que les représentants du Gouvernement français auront fait connaître au Séquestre qu'ils en acceptent les dispositions.

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TREATY SERIES, 1946

No. 17

AGREEMENT

BETWEEN

CANADA AND THE UNITED KINGDOM

FOR THE

AVOIDANCE OF DOUBLE TAXATION

AND THE PREVENTION OF FISCAL EVASION

WITH RESPECT TO

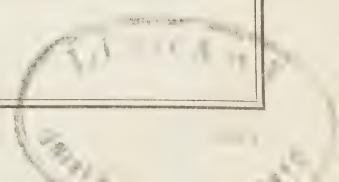
TAXES ON INCOME

Signed in London, June 5, 1946



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1946

AGREEMENT BETWEEN CANADA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

Signed in London, June 5, 1946

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Canada, desiring to conclude an agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, have agreed as follows:—

ARTICLE I

(1) The taxes which are the subject of the present Agreement are—
(a) In Canada:

The income taxes, including sur-taxes, and excess profits tax imposed by Canada (hereinafter referred to as "Canadian tax").

(b) In the United Kingdom:

The income tax (including sur-tax), the excess profits tax and the national defence contribution (hereinafter referred to as "United Kingdom tax").

(2) The present Agreement shall also apply to any other taxes of a substantially similar character imposed by either Contracting Government subsequently to the date of signature of the present Agreement or by the Government of any territory to which the present Agreement is extended under Article XV.

ARTICLE II

(1) In the present Agreement, unless the context otherwise requires—

(a) The term "United Kingdom" means Great Britain and Northern Ireland excluding the Channel Islands and the Isle of Man.

(b) The terms "one of the territories" and "the other territory" mean the United Kingdom or Canada, as the context requires.

(c) The term "tax" means United Kingdom tax or Canadian tax, as the context requires.

(d) The term "person" includes any body of persons, corporate or not corporate.

(e) The term "company" includes any body corporate.

(f) The terms "resident of the United Kingdom" and "resident of Canada" mean respectively any person who is resident in the United Kingdom for the purposes of United Kingdom tax and not resident in Canada for the purposes of Canadian tax and any person who is resident in Canada for the purposes of Canadian tax and not resident in the United Kingdom for the purposes of United Kingdom tax; and a company shall be regarded as resident in the United Kingdom if its business is managed and controlled in the United Kingdom and as resident in Canada if its business is managed and controlled in Canada.

(g) The terms "resident of one of the territories" and "resident of the other territory" mean a person who is a resident of the United Kingdom or a person who is a resident of Canada, as the context requires.

(h) The terms "United Kingdom enterprise" and "Canadian enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of the United Kingdom and an industrial or commercial enterprise or undertaking carried on by a resident of Canada;

and the terms "enterprise of one of the territories" and "enterprise of the other territory" mean a United Kingdom enterprise or a Canadian enterprise, as the context requires.

(i) The term "permanent establishment", when used with respect to an enterprise of one of the territories, means a branch or other fixed place of business, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has a stock of merchandise from which he regularly fills orders on its behalf.

An enterprise of one of the territories shall not be deemed to have a permanent establishment in the other territory merely because it carries on business dealings in that other territory through a *bona fide* broker or general commission agent acting in the ordinary course of his business as such.

The fact that an enterprise of one of the territories maintains in the other territory a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute that fixed place of business a permanent establishment of the enterprise.

The fact that a company which is a resident of one of the territories has a subsidiary company which is a resident of the other territory or which is engaged in trade or business in that other territory (whether through a permanent establishment or otherwise) shall not of itself constitute that subsidiary company a permanent establishment of its parent company.

(2) The term "industrial or commercial profits", as used in the present Agreement, does not include income in the form of dividends, interest, rents or royalties, management charges, or remuneration for labour or personal services.

(3) In the application of the provisions of the present Agreement by one of the Contracting Governments any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting Government relating to the taxes which are the subject of the present Agreement.

ARTICLE III

(1) The industrial or commercial profits of a United Kingdom enterprise shall not be subject to Canadian tax unless the enterprise is engaged in trade or business in Canada through a permanent establishment situated therein. If it is so engaged, tax may be imposed on those profits by Canada but only on so much of them as is attributable to that permanent establishment.

(2) The industrial or commercial profits of a Canadian enterprise shall not be subject to United Kingdom tax unless the enterprise is engaged in trade or business in the United Kingdom through a permanent establishment situated therein. If it so engaged, tax may be imposed on these profits by the United Kingdom, but only on so much of them as is attributable to that permanent establishment: Provided that nothing in this paragraph shall affect any provisions of the law of the United Kingdom regarding the imposition of excess profits tax and national defence contribution in the case of inter-connected companies.

(3) Where an enterprise of one of the territories is engaged in trade or business in the other territory through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.

(4) No portion of any profits arising from the sale of goods or merchandise by an enterprise of one of the territories shall be deemed to arise in the other territory by reason of the mere purchase of the goods or merchandise within that other territory.

(5) Where a company which is a resident of one of the territories derives profits or income from sources within the other territory, the Government of that other territory shall not impose any form of taxation on dividends paid by the company to persons not resident in that other territory, or any tax in the nature of an undistributed profits tax on undistributed profits of the company, by reason of the fact that those dividends or undistributed profits represent, in whole or in part, profits or income so derived.

ARTICLE IV

Where

(a) an enterprise of one of the territories participates directly or indirectly in the management, control or capital of an enterprise of the other territory, or

(b) The same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the territories and an enterprise of the other territory, and

(c) In either case conditions are made or imposed between the two enterprises, in their commercial or financial relations, which differ from those which would be made between independent enterprises,

then any profits which would but for those conditions have accrued to one of the enterprises but by reason of those conditions have not so accrued may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V

Notwithstanding the provisions of Articles III and IV, profits which a resident of one of the territories derives from operating ships or aircraft shall be exempt from tax in the other territory.

ARTICLE VI

(1) The rate of Canadian tax on income (other than earned income) derived from sources within Canada by a resident of the United Kingdom who is subject to United Kingdom tax in respect thereof and not engaged in trade or business in Canada through a permanent establishment situated therein, shall not exceed 15 per cent.

(2) Notwithstanding the provisions of the foregoing paragraph, dividends paid to a company which is a resident of the United Kingdom by a Canadian company, all of whose shares (less directors' qualifying shares) which have under all circumstances full voting rights are beneficially owned by the former company, shall be exempt from Canadian tax:

Provided that exemption shall not be allowed if ordinarily more than one-quarter of the gross income of the Canadian company is derived from interest and dividends other than interest and dividends from any wholly-owned subsidiary company.

(3) Income (other than earned income) derived from sources within the United Kingdom by an individual who is a resident of Canada, subject to Canadian tax in respect of the income, and not engaged in trade or business in the United Kingdom through a permanent establishment situated therein, shall be exempt from United Kingdom sur-tax.

ARTICLE VII

Copyright royalties and other like payments made in respect of the production or reproduction of any literary, dramatic, musical or artistic work (but not including rents or royalties in respect of motion picture films) and derived from sources within one of the territories by a resident of the other territory who is liable to tax in that other territory in respect thereof and not engaged in trade or business in the first-mentioned territory through a permanent establishment situated therein, shall be exempt from tax in that first-mentioned territory.

ARTICLE VIII

(1) Remuneration (other than pensions) paid by one of the Contracting Governments to any individual for services rendered to that Contracting Government in the discharge of governmental functions shall be exempt from tax in the territory of the other Contracting Government if the individual is not ordinarily resident in that territory or is ordinarily resident in that territory solely for the purpose of rendering those services.

(2) Any pension paid by one of the Contracting Governments to any individual for services rendered to that Contracting Government in the discharge of governmental functions shall be exempt from tax in the territory of the other Contracting Government, if immediately prior to the cessation of those services the remuneration therefor was exempt from tax in that territory, whether under paragraph (1) of this Article or otherwise, or would have been exempt under that paragraph if the present Agreement had been in force at the time when the remuneration was paid.

(3) The provisions of this Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting Governments for purposes of profit.

ARTICLE IX

(1) An individual who is a resident of the United Kingdom shall be exempt from Canadian tax on profits or remuneration in respect of personal (including professional) services performed within Canada in any taxation year if—

(a) he is present within Canada for a period or periods not exceeding in the aggregate 183 days during that year, and

(b) the services are performed for or on behalf of a person resident in the United Kingdom, and

(c) the profits or remuneration are subject to United Kingdom tax.

(2) An individual who is a resident of Canada shall be exempt from United Kingdom tax on profits or remuneration in respect of personal (including professional) services performed within the United Kingdom in any year of assessment if—

(a) he is present within the United Kingdom for a period or periods not exceeding in the aggregate 183 days during that year, and

(b) the services are performed for or on behalf of a person resident in Canada, and

(c) the profits or remuneration are subject to Canadian tax.

(3) The provisions of this Article shall not apply to the profits or remuneration of public entertainers such as stage, motion picture or radio artists, musicians and athletes.

ARTICLE X

(1) Any pension (other than a pension paid by the Government of Canada for services rendered to it in the discharge of governmental functions) and any annuity, derived from sources within Canada by an individual who is a resident of the United Kingdom and subject to United Kingdom tax in respect thereof, shall be exempt from Canadian tax.

(2) Any pension (other than a pension paid by the Government of the United Kingdom for services rendered to it in the discharge of governmental functions) and any annuity; derived from sources within the United Kingdom by an individual who is a resident of Canada and subject to Canadian tax in respect thereof, shall be exempt from United Kingdom tax.

(3) The term "annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in consideration of money paid.

ARTICLE XI

A professor or teacher from one of the territories who receives remuneration for teaching, during a period of temporary residence not exceeding two years, at a university, college, school or other educational institution in the other territory, shall be exempt from tax in that other territory in respect of that remuneration.

ARTICLE XII

A student or business apprentice from one of the territories who is receiving full-time education or training in the other territory shall be exempt from tax in that other territory on payments made to him by persons in the first-mentioned territory for the purposes of his maintenance, education or training.

ARTICLE XIII

(1) Subject to the provisions of the law of the United Kingdom regarding the allowance as a credit against United Kingdom tax of tax payable in a territory outside the United Kingdom, Canadian tax payable in respect of income from sources within Canada shall be allowed as a credit against any United Kingdom tax payable in respect of that income. Where such income is an ordinary dividend paid by a Canadian debtor, the credit shall take into account (in addition to any Canadian income tax chargeable directly or by deduction in respect of the dividend) the Canadian income tax payable in respect of its profits by the company paying the dividend, and where it is a dividend paid on participating preference shares and representing both a dividend at a fixed rate to which the shares are entitled and an additional participation in profits, the Canadian income tax so payable by the company shall likewise be taken into account in so far as the dividend exceeds that fixed rate.

(2) For the purposes of the foregoing paragraph and of the aforesaid provisions of the law of the United Kingdom, so much of the tax chargeable under the law of Canada relating to excess profits tax as is chargeable otherwise than by reference to excess profits shall be treated as income tax and not as excess profits tax.

(3) Subject to the provisions of the law of Canada regarding the deduction from tax payable in Canada of tax paid in a territory outside Canada, United Kingdom tax payable in respect of income from sources within the United Kingdom shall be deducted from any Canadian tax payable in respect of that income. Where such income is an ordinary dividend paid by a company resident in the United Kingdom, the deduction shall take into account (in addition to

any United Kingdom income tax appropriate to the dividend) the United Kingdom national defence contribution payable by the company in respect of its profits, and where it is a dividend paid on participating preference shares and representing both a dividend at the fixed rate to which the shares are entitled and an additional participation in profits, the national defence contribution so payable by the company shall likewise be taken into account in so far as the dividend exceeds that fixed rate.

(4) For the purposes of this Article, profits or remuneration for personal (including professional) services performed in one of the territories shall be deemed to be income from sources within that territory, and the services of an individual whose services are wholly or mainly performed in ships or aircraft operated by a resident of one of the territories shall be deemed to be performed in that territory.

ARTICLE XIV

(1) The taxation authorities of the Contracting Governments shall exchange such information (being information available under the respective taxation laws of the Contracting Governments) as is necessary for carrying out the provisions of the present Agreement or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Agreement. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those concerned with the assessment and collection of the taxes which are the subject of the present Agreement. No information shall be exchanged which would disclose any trade secret or trade process.

(2) The taxation authorities of the Contracting Governments may consult together as may be necessary for the purpose of carrying out the provisions of the present Agreement and, in particular, the provisions of Articles III and IV.

(3) As used in this Article, the term "taxation authorities" means, in the case of Canada, the Minister of National Revenue or his authorized representative; in the case of the United Kingdom, the Commissioners of Inland Revenue or their authorized representative; and, in the case of any territory to which the present agreement is extended under Article XV, the competent authority for the administration in such territory of the taxes to which the present Agreement applies.

ARTICLE XV

(1) Either of the Contracting Governments may, on the coming into force of the present Agreement or at any time thereafter while it continues in force, by a written notification of extension given to the other Contracting Government, declare its desire that the operation of the present Agreement shall extend, subject to such modification as may be necessary, to all or any of its colonies, overseas territories, protectorates, or territories in respect of which it exercises a mandate or trusteeship, which impose taxes substantially similar in character to those which are the subject of the present Agreement. The present Agreement shall, subject to such modifications (if any) as may be specified in the notification, apply to the territory or territories named in such notification on the date or dates specified in the notification (not being less than sixty days from the date of the notification) or, if no date is specified in respect of any such territory, on the sixtieth day after the date of the notification, unless, prior to the date on which the Agreement would otherwise become applicable to a particular territory, the Contracting Government to whom notification is given shall have informed the other Contracting Government in writing that it does not accept the notification as to that territory. In the absence of such extension, the present Agreement shall not apply to any such territory.

(2) At any time after the expiration of one year from the entry into force of an extension under paragraph (1) of this Article, either of the Contracting Governments may, by written notice of termination given to the other Contracting Government, terminate the application of the present Agreement to any territory to which it has been extended under paragraph (1), and in that event the present Agreement shall cease to apply, six months after the date of the notice, to the territory or territories named therein, but without affecting its continued application to Canada, the United Kingdom or to any other territory to which it has been extended under paragraph (1) hereof.

(3) In the application of the present Agreement in relation to any territory to which it is extended by notification by the United Kingdom or Canada, references to the "United Kingdom", or, as the case may be, "Canada" shall be construed as references to that territory.

(4) The termination in respect of Canada or the United Kingdom of the present Agreement under Article XVIII shall, unless otherwise expressly agreed by both Contracting Governments, terminate the application of the present Agreement to any territory to which the Agreement has been extended by Canada or the United Kingdom.

(5) The provisions of the preceding paragraphs of this Article shall apply to the Channel Islands and the Isle of Man as if they were colonies of the United Kingdom.

ARTICLE XVI

The present Agreement shall come into force on the date on which the last of all such things shall have been done in the United Kingdom and Canada as are necessary to give the Agreement the force of law in the United Kingdom and Canada respectively, and shall thereupon have effect—

(a) in Canada as respects income taxes, including sur-taxes, for the taxation year 1946 and subsequent years, and as respects excess profits tax for any fiscal period beginning on or after the first day of January, 1946, and for the unexpired portion of any fiscal period current at that date;

(b) in the United Kingdom, as respects income tax for the year of assessment beginning on the 6th day of April, 1946, and subsequent years, as respects sur-tax for the year of assessment beginning on the 6th day of April, 1945, and subsequent years; and as respects excess profits tax and national defence contribution for any chargeable accounting period beginning on or after the first day of January, 1946, and for the unexpired portion of any chargeable accounting period current at that date.

ARTICLE XVII

The present Agreement shall be deemed to have superseded the Agreements made on the 8th day of May, 1930, and the 3rd day of October, 1935, between the Government of the United Kingdom and the Government of Canada for reciprocal exemption from income tax in certain cases of profits accruing from the business of shipping and profits or gains accruing through an agency respectively, and those Agreements shall cease to have effect—

(a) in Canada, for the taxation year 1946 and subsequent years;

(b) in the United Kingdom, as respects income tax for the year of assessment beginning on the 6th day of April, 1946, and subsequent years, and as respects sur-tax for the year of assessment beginning on the 6th day of April, 1945, and subsequent years.

ARTICLE XVIII

(1) The present Agreement shall continue in effect indefinitely but either of the Contracting Governments may, on or before the 30th day of June in any calendar year after the year 1947, give notice of termination to the other Contracting Government and, in such event, the present Agreement shall cease to be effective—

(a) in Canada, as respects income taxes, including sur-taxes, for any taxation year ending in or after the calendar year next following that in which such notice is given, and as respects excess profits tax for any fiscal period beginning on or after the first day of January in the calendar year next following that in which such notice is given and for the unexpired portion of any fiscal period current at that date;

(b) in the United Kingdom, as respects income tax for any year of assessment beginning on or after the 6th day of April in the calendar year next following that in which such notice is given; as respects sur-tax for any year of assessment beginning on or after the 6th day of April in the calendar year in which such notice is given; and as respects excess profits tax or national defence contribution for any chargeable accounting period beginning on or after the first day of January in the calendar year next following that in which such notice is given and for the unexpired portion of any chargeable accounting period current at that date.

(2) The termination of the present Agreement shall not have the effect of reviving any agreement or arrangement abrogated by the present Agreement or by agreements previously concluded between the Contracting Governments.

In witness whereof the undersigned, duly authorized thereto, have signed the present agreement and have affixed thereto their seals.

Done at London, in duplicate, on the fifth day of June, one thousand nine hundred and forty-six.

For the Government of the United Kingdom:

HUGH DALTON.

For the Government of Canada:

W. L. MACKENZIE KING.

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Canada External Affairs Dept.

(CANADA)

TREATY SERIES, 1946
No. 18

AGREEMENT
BETWEEN
CANADA
AND
THE UNITED KINGDOM
FOR THE
AVOIDANCE OF DOUBLE TAXATION AND
THE PREVENTION OF FISCAL EVASION
WITH RESPECT TO
DUTIES ON THE ESTATES OF DECEASED PERSONS

Signed in London, June 5, 1946



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946

CANADA

TREATY SERIES, 1946

No. 18

AGREEMENT

BETWEEN

CANADA

AND

THE UNITED KINGDOM

FOR THE

AVOIDANCE OF DOUBLE TAXATION AND
THE PREVENTION OF FISCAL EVASION

WITH RESPECT TO

DUTIES ON THE ESTATES OF DECEASED PERSONS

Signed in London, June 5, 1946



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946

**AGREEMENT BETWEEN CANADA AND THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND FOR THE
AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION
OF FISCAL EVASION WITH RESPECT TO DUTIES ON THE
ESTATES OF DECEASED PERSONS.**

Signed in London, June 5, 1946

The Government of the United Kingdom, of Great Britain and Northern Ireland and the Government of Canada, desiring to conclude an agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to duties on the estates of deceased persons, have agreed as follows:—

ARTICLE I

(1) The duties which are the subject of the present Agreement are:—

(a) In the United Kingdom, the estate duty imposed in Great Britain, and

(b) in Canada, the succession duty imposed by Canada.

(2) The present Agreement shall also apply to any other duties of a substantially similar character imposed by either Contracting Government subsequent to the date of signature of the present Agreement or by the Government of any territory to which the present Agreement is extended under Article VIII or applies under Article IX.

ARTICLE II

(1) In the present Agreement, unless the context otherwise requires—

(a) The term "United Kingdom" means Great Britain and Northern Ireland.

(b) The term "Great Britain" means England, Wales and Scotland and does not include the Channel Islands or the Isle of Man.

(c) The term "territory" when used in relation to one or the other Contracting Government means Great Britain or Canada, as the context requires.

(d) The term "duty" means the estate duty imposed in Great Britain or the succession duty imposed by Canada, as the context requires.

(2) In the application of the provisions of the present Agreement by one of the Contracting Governments, any term not otherwise defined shall, unless the context otherwise requires have the meaning which it has under the laws of that Contracting Government relating to the duties which are the subject of the present Agreement.

ARTICLE III

Where a person dies domiciled in any part of the territory of one Contracting Government, the situs of any of the following rights or interests, legal or equitable, which for the purposes of duty form or are deemed to form part of the estate of such person or pass or are deemed to pass in his death, shall, for the purposes of the imposition of duty and for the purposes of the credit to be

allowed under Article V, be determined exclusively in accordance with the following rules, but in cases not within such rules the situs of such rights or interest shall be determined for these purposes in accordance with the laws in force in the territory of the other Contracting Government:—

(a) Rights or interests (otherwise than by way of security) in or over immovable property shall be deemed to be situated at the place where such property is located;

(b) Rights or interests (otherwise than by way of security) in or over tangible movable property, other than such property for which specific provision is hereinafter made, and in or over bank or currency notes, other forms of currency recognized as legal tender in the place of issue, negotiable bills of exchange and negotiable promissory notes, shall be deemed to be situated at the place where such property, notes, currency or documents are located at the time of death, or, if *in transitu*, at the place of destination;

(c) Debts, secured or unsecured and whether under seal or not, excluding the forms of indebtedness for which specific provision is made herein, shall be deemed to be situated at the place where the debtor was resident at the time of death;

(d) Bank accounts shall be deemed to be situated at the branch at which the account was kept;

(e) Securities issued by any government, municipality or public authority shall be deemed, if in bearer form, to be situated at the place where they are located at the time of death and, if inscribed or registered, to be situated at the place of inscription or registration;

(f) Shares, stock, debentures or debenture stock in a company (including any such property held by a nominee, whether the beneficial ownership is evidenced by scrip certificates or otherwise) shall be deemed to be situated at the place where the company was incorporated;

(g) Monies payable under a policy of assurance or insurance, whether under seal or not, shall be deemed to be situated at the place where the policy provided that the monies shall be payable or, in the absence of any such provision, at the head office of the company;

(h) Shares in a partnership shall be deemed to be situated at the place where the business is principally carried on;

(i) Ships and aircraft and shares thereof shall be deemed to be situated at the place of registration of the ship or aircraft;

(j) Goodwill as a trade, business or professional asset shall be deemed to be situated at the place where the trade, business or profession to which it pertains is carried on;

(k) Patents, trade marks and designs shall be deemed to be situated at the place where they are registered;

(l) Copyright, franchises, and rights or licences to use any copyrighted material, patent, trade mark or design shall be deemed to be situated at the place where the rights arising therefrom are exercisable;

(m) Rights or causes of action *ex delicto* surviving for the benefit of an estate of a deceased person shall be deemed to be situated at the place where such rights or causes of action arose;

(n) Judgment debts shall be deemed to be situated at the place where the judgment is recorded;

Provided that if, apart from this paragraph, duty would be imposed by one Contracting Government on any property which is situated in its territory and passes under a disposition not governed by its law, this paragraph shall not apply to such property unless, by reason of its application or otherwise, duty is imposed or would but for some specific exemption be imposed thereon by the other Contracting Government.

ARTICLE IV

(1) In determining the amount on which duty is to be computed, permitted deductions shall be allowed in accordance with the law in force in the territory in which the duty is imposed.

(2) Where duty is imposed by one Contracting Government on the death of a person who was not domiciled at the time of his death in any part of the territory of that Contracting Government but was domiciled in some part of the territory of the other Contracting Government, no account shall be taken, in determining the amount or rate of the duty so imposed, of property situated outside the former territory; provided that this paragraph shall not apply as respects duty imposed in Great Britain in the case of property passing under a disposition governed by the law of Great Britain.

ARTICLE V

(1) Where one Contracting Government imposes duty by reason of a deceased person being domiciled in some part of its territory at the time of his death, that Contracting Government shall allow against so much of its duty (as otherwise computed) as is attributable to property situated in the territory of the other Contracting Government a credit (not exceeding the amount of the duty so attributable) equal to so much of the duty imposed in the territory of the other Contracting Government as is attributable to such property.

(2) Where Great Britain imposes duty on property passing under a disposition governed by its law, that Contracting Government shall allow a credit similar to that provided by the preceding paragraph of this Article.

(3) Where each Contracting Government imposes duty on any property which is deemed under Article III to be situated outside the territories of both Contracting Governments, each Contracting Government shall allow against so much of its duty (as otherwise computed) as is attributable to the property a credit which bears the same proportion to the amount of its duty so attributable or to the amount of the other Contracting Government's duty attributable to the same property, whichever is the less, as the former amount bears to the sum of both amounts.

(4) For the purposes of this Article, the amount of the duty of a Contracting Government attributable to any property shall be ascertained after taking into account any credit, allowance or relief, or any remission or reduction of duty, otherwise than in respect of duty payable in the territory of the other Contracting Government.

ARTICLE VI

(1) Any claim for a credit or for a refund of duty founded on the provisions of the present Agreement shall be made within six years from the date of the death of the deceased person in respect of whose estate the claim is made, or, in the case of a reversionary interest where payment of duty is deferred until the date on which the interest falls into possession, within six years from that date.

(2) Any such refund shall be made without payment of interest on the amount so refunded.

ARTICLE VII

(1) The taxation authorities of the Contracting Governments shall exchange such information (being information available under the respective taxation laws of the Contracting Governments) as is necessary for carrying out the provisions of the present Agreement or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the duties which are the subject of the present Agreement. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the duties which are the subject of the present Agreement. No information shall be exchanged which would disclose any trade secret or trade process.

(2) As used in this Article, the term "taxation authorities" means, in the case of Great Britain, the Commissioners of Inland Revenue or their authorized representative; in the case of Canada, the Minister of National Revenue or his authorized representative; in the case of Northern Ireland (to which the present Agreement applies under Article IX) the Minister of Finance or his authorized representative; and, in the case of any territory to which the present Agreement is extended under Article VIII, the competent authority for the administration in such territory of the duties to which the present Agreement applies.

ARTICLE VIII

(1) Either of the Contracting Governments may, on the coming into force of the present Agreement or at any time thereafter while it continues in force, by a written notification of extension given to the other Contracting Government, declare its desire that the operation of the present Agreement shall extend, subject to such modifications as may be necessary, to all or any of its colonies, overseas territories, protectorates, or territories in respect of which it exercises a mandate or trusteeship, which impose duties substantially similar in character to those which are the subject of the present Agreement. The present Agreement shall, subject to such modifications (if any) as may be specified in the notification, apply to the territory or territories named in such notification as to the estates of persons dying on or after the date or dates specified in the notification (not being less than sixty days from the date of the notification) or, if no date is specified in respect of any such territory, on or after the sixtieth day after the date of such notification, unless, prior to the date on which the Agreement would otherwise become applicable to a particular territory, the Contracting Government to whom notification is given shall have informed the other Contracting Government in writing that it does not accept the notification as to that territory. In the absence of such extension, the present Agreement shall not apply to any such territory.

(2) At any time after the expiration of one year from the entry into force of an extension under paragraph (1) of this Article, either of the Contracting Governments may, by written notice of termination given to the other Contracting Government, terminate the application of the present Agreement to any territory to which it has been extended under paragraph (1), and in that event the present Agreement shall cease to apply as to the estates of persons dying on or after the date or dates (not being earlier than the sixtieth day after the date of such notice) specified in such notice, or, if no date is specified, on or after the sixtieth day after the date of such notice, to the territory or territories named therein, but without affecting its continued application to Great Britain, Canada, or to any other territory to which it has been extended under paragraph (1) hereof.

(3) In the application of the present Agreement in relation to any territory to which it is extended by the United Kingdom or Canada, references to "Great Britain" or, as the case may be, "Canada", or to the territory of one (or of the other) Contracting Government, shall be construed as references to the first mentioned territory.

(4) The provisions of the preceding paragraphs of this Article shall apply to the Channel Islands and the Isle of Man as if they were colonies of the United Kingdom.

ARTICLE IX

The present Agreement shall apply in relation to the estate duty imposed in Northern Ireland as it applies in relation to the estate duty imposed in Great Britain, but shall be separately terminable in respect of Northern Ireland by the same procedure as is laid down in paragraph (2) of Article VIII.

ARTICLE X

The present Agreement shall come into force on the date on which the last of all such things shall have been done in the United Kingdom and Canada as are necessary to give the Agreement the force of law in the United Kingdom and Canada respectively, and the Agreement shall be effective only as to—

(a) the estates of persons dying on or after that date; and

(b) the estate of any person dying before that date and after the 31st day of December, 1944, whose personal representative elects, in such manner as may be prescribed, that the provisions of the present Agreement shall be applied to his estate.

ARTICLE XI

(1) The present Agreement shall remain in force for not less than three years after the date of its coming into force.

(2) If not less than six months before the expiration of such period of three years, neither of the Contracting Governments shall have given to the other Contracting Government written notice of its intention to terminate the present Agreement, the Agreement shall remain in force after such period of three years until either of the Contracting Governments shall have given written notice of such intention, in which event the present Agreement shall not be effective as to the estates of persons dying on or after the date (not being earlier than the sixtieth day after the date of such notice) specified in such notice, or, if no date is specified, on or after the sixtieth day after the date of such notice.

In witness whereof the undersigned, duly authorized thereto, have signed the present agreement and have affixed thereto their seals.

Done at London, in duplicate, on the fifth day of June, one thousand nine hundred and forty-six.

For the Government of the United Kingdom:
HUGH DALTON.

For the Government of Canada:
W. L. MACKENZIE KING.

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Canada, External Affairs, Vol. 8

(CANADA)

TREATY SERIES, 1946
No. 19

FINANCIAL AGREEMENT

BETWEEN

CANADA AND THE NETHERLANDS

Signed at Ottawa, February 5, 1946

(Together with an Exchange of Notes)



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

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No. 19

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FINANCIAL AGREEMENT

BETWEEN

CANADA AND THE NETHERLANDS

Signed at Ottawa, February 5, 1946

(Together with an Exchange of Notes)



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

SUMMARY

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**FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF CANADA
AND THE GOVERNMENT OF THE NETHERLANDS**

Signed at Ottawa, February 5, 1946

AGREEMENT ENTERED INTO THIS 5th DAY OF FEBRUARY, 1946

BETWEEN:

THE MINISTER OF FINANCE OF CANADA,

hereinafter referred to as "the Minister",

of the First Part,
and

THE GOVERNMENT OF THE NETHERLANDS,

represented by its Minister Plenipotentiary to Canada,

Jonkheer J. M. W. Snouck Hurgronje,

of the Second Part:

WHEREAS by an agreement dated 1st May, 1945, the Government of Canada agreed to make a loan to the Government of the Netherlands in an amount not exceeding TWENTY-FIVE MILLION DOLLARS CANADIAN, to enable the Government of the Netherlands to pay the cost of Canadian-produced goods to be purchased from exporters and exported to the Netherlands;

WHEREAS the Government of the Netherlands has requested the Government of Canada to grant for the same purposes additional loans not exceeding ONE HUNDRED MILLION DOLLARS CANADIAN to the Government of the Netherlands;

WHEREAS by Order in Council P.C. 340 dated the 31st day of January, 1946, the Minister has been authorized under The Export Credits Insurance Act to make the loans hereinafter referred to, on behalf of the Government of Canada; and

WHEREAS the Minister Plenipotentiary to Canada, Jonkheer J. W. M. Snouck Hurgronje, has been duly authorized by the Government of the Netherlands to execute this agreement on behalf of the Netherlands.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that the parties hereto, in consideration of the mutual covenants and agreements herein-after contained, covenant and agree each with the other as follows:

1. In this agreement the terms "exporters", "Canadian-produced goods" and "cost of Canadian-produced goods" have the meaning assigned to them by The Export Credits Insurance Act of Canada, or any regulations made thereunder.

2. Subject to the terms and conditions of this agreement, the Minister on behalf of Canada agrees to lend to the Government of the Netherlands, such amounts not exceeding ONE HUNDRED AND TWENTY-FIVE MILLION DOLLARS CANADIAN (less any amounts advanced to the Government of the Netherlands under the said agreement of 1st May, 1945) as may from time to time be requisitioned from the Minister by the Government of the Netherlands to enable the Government of the Netherlands to purchase from exporters and to pay the cost of Canadian-produced goods exported or to be exported from Canada to the Netherlands.

3. The Minister will pay the amounts requisitioned under paragraph 2 of this agreement into a special account with the Bank of Canada for the credit of the Government of the Netherlands.

4. The Government of the Netherlands agrees to expend moneys received by it by way of loan under this agreement and the said agreement of the 1st May, 1945, solely for the purpose of purchasing from exporters and paying the cost of Canadian-produced goods exported or to be exported from Canada to the Netherlands.

5. The Government of the Netherlands agrees to pay interest at the rate of three per centum per annum on each amount paid by the Minister into the said special account under this agreement or the said agreement of the 1st May, 1945, from the date when it is paid into the said special account until the date of consolidation of the debt into a consolidated debt to be evidenced by bonds of the Government of the Netherlands, as provided for in paragraph 6 of this agreement.

6. The Government of the Netherlands agrees that the amounts paid by the Minister into the said special account pursuant to this agreement and the said agreement of the 1st May, 1945, during the period commencing on the date of the said agreement of the 1st May, 1945, and ending on the 30th April, 1947, and interest thereon as provided in paragraph 5 of this agreement shall be consolidated into one amount called the consolidated debt at the end of the said period and the Government of the Netherlands shall thereupon deliver to the Minister bonds of a face value equal to such consolidated debt which bonds shall constitute valid, binding, absolute and unconditional obligations of the Government of the Netherlands. The bonds shall be dated the 30th April, 1947, shall mature serially in twenty-seven equal annual amounts of principal payable on the 30th April, 1950, and on the 30th April in each year thereafter up to and including the 30th April, 1976, and shall bear interest payable annually on the 30th April in each year at the following rates:

(i) the bonds maturing on the 30th April in each of the years 1950 to 1958 both inclusive shall bear interest at the rate of two and three-quarters per centum per annum;

(ii) the bonds maturing on the 30th April in each of the years 1959 to 1970 both inclusive shall bear interest at the rate of three per centum per annum;

(iii) the bonds maturing on the 30th April in each of the years 1971 to 1976 both inclusive shall bear interest at the rate of three and one-quarter per centum per annum.

7. Any portion of the ONE HUNDRED AND TWENTY-FIVE MILLION DOLLARS CANADIAN referred to in paragraph 2 of this agreement which has not been requisitioned by the Government of the Netherlands in accordance with the said paragraph 2 on or before the 30th April, 1947 shall lapse and be no longer payable by the Minister unless the parties hereto mutually agree otherwise.

8. It is mutually agreed by the parties hereto that if the Government of the Netherlands fails to deliver bonds as heretofore provided at the end of the period referred to in paragraph 6 of this agreement, or fails to redeem any of the bonds on or before maturity, the whole amount of the loan shall thereupon become due and payable.

1946. No. 19

9. It is mutually agreed by the parties hereto that payments by the Government of the Netherlands shall be in Canadian dollars or fine gold at the option of the Government of the Netherlands. The value of fine gold shall be calculated on the basis of the buying price for gold of the Canadian Foreign Exchange Control Board (or successor agency) on the date of delivery. During such period as foreign exchange regulations in Canada require that exports from Canada to the Netherlands result in the sale of a specified foreign currency to an Authorized Dealer of the Canadian Foreign Exchange Control Board (or successor agency) and permit Canadian importers of goods from the Netherlands to make payment therefor in such specified foreign currency, any Canadian dollars used by the Government of the Netherlands to effect payments under this agreement shall be acquired by the sale to an Authorized Dealer of the Canadian Foreign Exchange Control Board (or successor agency) of such specified foreign currency at the published official buying rate, or in such other manner as may be mutually agreed upon by the Government of the Netherlands and the Minister.

10. The Minister agrees that the Government of the Netherlands shall have the right to redeem any or all of the bonds prior to their maturities at par plus accrued interest if the Government of the Netherlands tenders payment in fine gold or Canadian dollars acquired in the manner provided in paragraph 9 of this agreement.

11. The agreement dated 1st May, 1945, between the parties hereto is hereby cancelled as of the date of this agreement and shall be deemed to be replaced by this agreement.

IN WITNESS WHEREOF the parties hereto have caused these presents to be signed on the day and year first above mentioned.

Witness:

A. L. WICKWIRE.

J. L. ILSLEY,

Minister of Finance for Canada.

R. B. BRYCE.

SNOUCK HURGRONJE,

For the Government of the Netherlands.

APPENDIX

**EXCHANGE OF NOTES (FEBRUARY 5 AND MARCH 6, 1946) BETWEEN
CANADA AND THE NETHERLANDS RELATING TO THE FINAN-
CIAL AGREEMENT SIGNED FOR THEM AT OTTAWA, FEB-
RUARY 5, 1946.**

I

The Canadian Minister of Finance to the Minister of the Netherlands

OTTAWA, February 5, 1946.

Dear Sir,

In signing the agreement with you dated today for the provision to the Government of the Netherlands of an amount of \$125,000,000 under The Export Credits Insurance Act, I desire to place on record our understanding with regard to certain of the payments provisions under this agreement, and regarding the purchases which the Netherlands would make in Canada, to be financed in other ways.

I wish to record that I am prepared to agree to the redemption under paragraph 10 of the agreement of the bonds to be given in accordance with the agreement, out of any Canadian dollars accruing to the Netherlands from current transactions between Canada and the Netherlands and from the sale of Canadian securities held by residents of the Netherlands, as authorized during the period in question by the Foreign Exchange Control Board (or successor agency). I am also prepared to agree to the use in the repayment of the credits advanced under the agreement, of Canadian dollars acquired by the Netherlands from the International Monetary Fund or the International Bank for Reconstruction and Development.

I wish to note also that it is the intention of the two Governments that a certain proportion of the Canadian dollar requirements of the Netherlands shall be covered by purchase from Canada of Canadian dollars, against gold or foreign exchange convertible into gold. To implement this intention, the Netherlands Government shall, between 1st April, 1945, and 1st May, 1948, acquire Canadian dollars by the sale to Canada of gold or foreign exchange convertible into gold, in an amount not less than 20 per cent of the credit provided and drawn upon under the agreement of today's date. It is understood that the Canadian dollars so acquired will be used to meet the current requirements of the Netherlands in Canada.

I would appreciate it if you could confirm the understandings set forth above.

Yours very truly,

J. L. ILSLEY,
Canadian Minister of Finance.

1946. No. 19

II

The Minister of the Netherlands to the Canadian Minister of Finance

OTTAWA, March 6, 1946.

Dear Mr. Minister,

Referring to your kind letter of February 5, 1946, placing on record the understanding with regard to certain of the payment provisions under the export credit agreement, signed on the above mentioned date, I have the honour to inform you that my Government has advised me that it entirely agrees to the understandings set forth in your letter.

I would like to avail myself of this opportunity to express to you my sincere thanks for the friendly co-operation of the Canadian Government, and it is my fervent hope that with this new agreement we will see Holland and Canada enter into new and closer trade relations.

Yours sincerely,

SNOUCK HURGRONJE,
Minister of the Netherlands.

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Canada. External Affairs, Sept. 11

(CANADA)

TREATY SERIES, 1946

No. 20

FINANCIAL AGREEMENT

BETWEEN

CANADA AND CHINA

Signed at Ottawa, February 7, 1946

(Together with an Exchange of Notes)



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

1946

CANADA

TREATY SERIES, 1946

No. 20

FINANCIAL AGREEMENT

BETWEEN

CANADA AND CHINA

Signed at Ottawa, February 7, 1946

(Together with an Exchange of Notes)



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

1946

**FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF CANADA
AND THE GOVERNMENT OF CHINA**

SIGNED AT OTTAWA, FEBRUARY 7, 1946

AGREEMENT ENTERED INTO THIS SEVENTH DAY OF
FEBRUARY, 1946

BETWEEN:

THE MINISTER OF FINANCE OF CANADA,
hereinafter referred to as "the Minister",
of the First Part,

AND

THE GOVERNMENT OF CHINA,

represented by its Ambassador to Canada, His Excellency Dr. Liu Shih Shun,
of the Second Part:

WHEREAS the Government of China has requested the Government of Canada to make loans to the Government of China to enable the said Government to purchase Canadian-produced goods for export to China;

WHEREAS by Order in Council P.C. 378 dated the fifth day of February, 1946, the Minister has been authorized under The Export Credits Insurance Act to make the loans hereinafter referred to, on behalf of the Government of Canada; and

WHEREAS the Ambassador of China to Canada, His Excellency Dr. Liu Shih Shun, has been duly authorized by the Government of China to execute this agreement on behalf of the Government of China.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that the parties hereto, in consideration of the mutual covenants and agreements hereinafter contained, covenant and agree each with the other as follows:

1. In this agreement the terms "exporters", "Canadian-produced goods" and "cost of Canadian-produced goods" have the meaning assigned to them by The Export Credits Insurance Act of Canada or any regulations made thereunder.

2. Subject to the terms and conditions of this agreement, the Minister, on behalf of the Government of Canada, agrees to lend to the Government of China, such amount not exceeding Sixty Million Dollars (\$60,000,000) Canadian, as may from time to time be requisitioned from the Minister by the Government of China to enable the Government of China to purchase from exporters and to pay the cost of Canadian-produced goods exported or to be exported from Canada to China.

3. The Minister will pay amounts requisitioned under paragraph 2 of this agreement into the account of the Government of China with the Bank of Canada.

4. The Government of China agrees to expend the moneys received by it by way of loan under this agreement solely for the purpose of purchasing from exporters and paying the cost of Canadian-produced goods exported or to be exported from Canada in accordance with a programme to be agreed upon from time to time by the Canadian Minister of Trade and Commerce and the Canadian Minister of Finance, and by representatives of the Government of China designated by the Ambassador of China to Canada.

5. The Government of China agrees to pay interest at the rate of three per centum per annum on each amount paid by the Minister into the said special account from the date when it is paid into the said special account until the date of consolidation of the debt into a consolidated debt to be evidenced by bonds of the Government of China, as provided for in paragraph 6 of this agreement.

6. The Government of China agrees that the amounts paid by the Minister into the account of the Government of China for the credit of the Chinese Government, pursuant to this agreement, during the period commencing on the date of the execution of this agreement and ending on the thirty-first day of December, 1947, and interest thereon as provided in paragraph 5 of this agreement, shall be consolidated into one amount called the consolidated debt, at the end of the said period, and the Government of China shall thereupon deliver to the Minister bonds of a face value equal to such consolidated debt, which bonds shall constitute valid, binding, absolute and unconditional obligations of the Government of China; the said bonds shall bear interest at the rate of three per centum per annum, payable semi-annually on the 30th day of June and the 31st day of December, and shall mature serially in thirty equal annual amounts of principal payable on the 31st day of December, 1948, and on the 31st day of December in each year thereafter up to and including the year 1977.

7. Any portion of the Sixty Million Dollars (\$60,000,000) Canadian referred to in paragraph 2 of this agreement, which has not been requisitioned by the Government of China in accordance with the said paragraph 2 on or before the 31st day of December, 1947, shall lapse and be no longer payable by the Minister unless the parties hereto mutually agree otherwise.

8. It is mutually agreed by the parties hereto that if the Government of China fails to deliver bonds as hereinbefore provided at the end of the period referred to in paragraph 6 of this agreement, or fails to redeem any of the bonds on or before maturity, the whole amount of the loan shall thereupon become due and payable.

9. It is mutually agreed by the parties hereto that payments by the Government of China shall be in Canadian dollars or fine gold at the option of the Government of China. The value of fine gold shall be calculated on the basis of the buying price for gold of the Canadian Foreign Exchange Control Board (or successor agency) on the date of its delivery. During such period as foreign exchange regulations in Canada require that exports from Canada to China result in the sale of a specified foreign currency to an Authorized Dealer of the Canadian Foreign Exchange Control Board (or successor agency) and permit Canadian importers of goods from China to make payment therefor in such specified foreign currency, any Canadian dollars used by the Government of China to effect payments under this agreement shall be acquired by the sale to an Authorized Dealer of the Canadian Foreign Exchange Control Board (or successor agency) of such specified foreign currency at the published official buying rate, or in such other manner as may be mutually agreed upon by the Government of China and the Minister.

1946. No. 20

10. The Minister agrees that the Government of China shall have the right to redeem any or all of the bonds prior to their maturities at par plus accrued interest if the Government of China tenders payment in fine gold or Canadian dollars acquired in the manner provided in paragraph 9 of this agreement.

In witness whereof the parties hereto have caused these presents to be signed on the day and year first above mentioned.

Witness:

DAVID M. JOHNSON.

P. KIANG.

J. L. ILSLEY,

Minister of Finance of Canada.

LIU SHIH SHUN,

For the Government of China

APPENDIX**EXCHANGE OF NOTES (FEBRUARY 7, 1946) BETWEEN CANADA AND CHINA RELATING TO THE FINANCIAL AGREEMENT SIGNED FOR THEM AT OTTAWA, FEBRUARY 7, 1946.****I**

The Canadian Minister of Finance to the Ambassador of China

OTTAWA, February 7, 1946.

Dear Sir,

At the time of signing today with you the agreement for the provision of a credit of \$60,000,000 to the Government of China under the Export Credits Insurance Act, I desire to place on record our understanding regarding certain points in connection with the use of the credit and about purchases which China will make in Canada, to be financed by Canadian dollars acquired from the sale of gold or foreign exchange convertible into gold.

In paragraph 4 of the agreement it is specified that the Government of China will expend the moneys received by it under this agreement for the purpose of purchasing Canadian-produced goods in accordance with a program to be agreed from time to time by the Canadian Minister of Trade and Commerce and myself on the one hand, and by representatives of the Government of China on the other. In this connection I wish to place on record that it is our understanding that \$25,000,000 of the \$60,000,000 provided in the credit will be reserved for the purchase of supplies and equipment which had been requested by China from Canada as Mutual Aid, other items in production in Canada at September 1, 1945, which are surplus to Canadian requirements, and also certain items of used industrial equipment which China had sought to purchase from Canada, together with the costs of reconversion and completion of such equipment for Chinese use and its preparation for shipment.

The remaining \$35,000,000, it is understood, will be available for purchasing equipment, supplies and services desired by the Government of China in Canada for reconstruction and other post-war purposes, items of which are to be agreed from time to time with the Canadian Departments of Trade and Commerce and of Finance, as specified in the agreement. I have noted your request to be permitted to use the credit in paying the cost of transporting goods from Canada to China in Canadian ships. At present our legislation and the regulations under it do not make this use of the credit possible, but the legislation and the regulations may be changed in this regard, and if that is done my colleague, the Minister of Trade and Commerce, and I will be prepared to give sympathetic consideration to the inclusion in the program of the costs of shipping goods to China in Canadian Vessels.

I wish also to record that I am prepared to agree to the redemption, under paragraph 10 of the agreement, of the bonds to be given in accordance with the agreement, out of any Canadian dollars accruing to the Government of China from current account transactions between Canada and China. I am also prepared to agree to the use in the repayment of the credits advanced under the agreement, or for redemption under paragraph 10 of the agreement, of Canadian dollars acquired by China from the International Monetary Fund or the International Bank for Reconstruction and Development. I wish also to confirm our understanding that the Foreign Exchange Control Board (or its successor agency) will sell to China Canadian dollars in exchange for United States dollars, at the official rate in force on the day of the transaction, for the purpose of making repayments of the credit provided under the agreement signed today.

1946. No. 20

I wish also to record that it is the intention of the two Governments that a certain proportion of the Canadian dollar requirements of China shall be covered by the purchase from Canada of Canadian dollars for gold or foreign exchange convertible into gold. To implement this intention, it is understood that the Government of China will during or at the end of each half year during which the credits referred to in this letter are being drawn upon, commencing with the first half of 1946, acquire Canadian dollars by the sale to Canada of gold or foreign exchange convertible into gold in an amount not less than twenty per cent of the amount of the credit drawn during each such half year. It is understood that the Canadian dollars so acquired will be used to meet the current requirements of China in Canada, including purchases of the Government of China or its agencies and including Canadian shipping services and marine insurance charges. Any purchases of Canadian dollars for gold or foreign exchange convertible into gold during the first half of 1946 prior to the signing of this agreement shall be regarded as coming within the amount of such required purchases during the first half of that year. These agreed purchases of Canadian dollars for gold or foreign exchange convertible into gold shall be reduced by an amount equal to the Canadian dollar equivalent of any United States dollars or other foreign exchange convertible into gold paid by Chinese importers for imports from Canada during each half year in question, provided that the Government of China supplies satisfactory evidence of such payments and they are verified by the Foreign Exchange Control Board of Canada. In case the amount of such Chinese imports from Canada in any half year exceeds the required purchases of Canadian dollars for that period, the excess shall be carried over to the succeeding half-year period or periods.

I would appreciate it if you would confirm the understanding set forth above, and also if you would inform me from time to time of the representatives of the Government of China who will agree with the Departments of Trade and Commerce and of Finance upon the program of purchases to be covered under this agreement.

Yours very truly,
J. L. ILSLEY,
Canadian Minister of Finance.

II

The Ambassador of China to the Canadian Minister of Finance.

OTTAWA, February 7, 1946.

Dear Sir,

I take pleasure in acknowledging receipt of your letter of today's date relative to the agreement signed today for the provision of a credit of \$60,000,000 to my Government under the Export Credits Insurance Act, in which you were good enough to place on record our understanding regarding certain points in connection with the use of the credit and about purchases which China will make in Canada, to be financed by Canadian dollars acquired from the sale of gold or foreign exchange convertible into gold.

In the name of my Government I wish to confirm the understanding referred to above. I shall be pleased to inform you from time to time of the names of my Government's representatives who will agree with the Departments of Trade and Commerce and of Finance upon the program of purchases to be covered under this agreement.

Yours very truly,
LIU SHIH SHUN,
Ambassador of China.

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Canada. External Affairs, 1946



TREATY SERIES, 1946
No. 21

FINANCIAL AGREEMENT
BETWEEN
CANADA AND BELGIUM

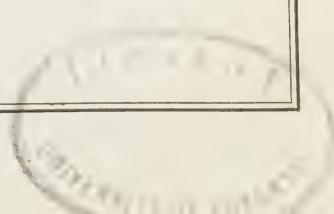
Signed at Ottawa, May 2, 1946

—
(With an Exchange of Notes)



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946

Price, 25 cents



CANADA

TREATY SERIES, 1946
No. 21

FINANCIAL AGREEMENT
BETWEEN
CANADA AND BELGIUM

Signed at Ottawa, May 2, 1946

(With an Exchange of Notes)



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946

FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF BELGIUM

Signed at Ottawa, May 2, 1946

AGREEMENT ENTERED INTO THIS SECOND DAY OF MAY, 1946

BETWEEN:

THE MINISTER OF FINANCE OF CANADA,

Of the First Part,

THE GOVERNMENT OF BELGIUM,

represented by its Ambassador to Canada,

Of the Second Part:

WHEREAS the Government of Canada agreed to make a loan to the Government of Belgium not exceeding twenty-five million Canadian dollars (\$25,000,000 Canadian) under an Agreement entered into on the twenty-fifth day of October, 1945 (hereinafter called the principal Agreement); and

WHEREAS the Government of Belgium has requested the Government of Canada to increase the amount of the loan from twenty-five million Canadian dollars (\$25,000,000 Canadian) to one hundred million Canadian dollars (\$100,000,000 Canadian); and

WHEREAS by Order in Council P.C. 1514 dated the sixteenth day of April, 1946, the Minister of Finance of Canada was authorized to enter into an Agreement with the Government of Belgium to amend the principal Agreement, to provide that the aggregate amount of the loan shall be one hundred million Canadian dollars (\$100,000,000 Canadian); and

WHEREAS the Ambassador of Belgium to Canada, His Excellency A. Paternotte de la Vaillée, has been duly authorized by the Government of Belgium to execute this Agreement on behalf of the Government of Belgium.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto covenant and agree with each other as follows:—

1. The principal Agreement dated the twenty-fifth day of October, 1945*, is hereby amended by striking out the amount "twenty-five million Canadian dollars (\$25,000,000 Canadian)" where it appears in paragraphs one and seven of the principal Agreement and substituting therefor "one hundred million Canadian dollars (\$100,000,000 Canadian)".

2. The Government of Belgium may expend any moneys received by it by way of loan under the principal Agreement as amended by this Agreement, for the purposes set out in the principal Agreement or for any other purpose approved by the Government of Canada for which loans may be made under Part II of The Export Credits Insurance Act of Canada as amended from time to time.

In witness whereof the parties hereto have caused these presents to be signed on the day and year above mentioned.

Witness:

W. C. CLARK.

D. M. JOHNSON.

J. L. ILSLEY,

Minister of Finance for Canada.

*A. PATERNOTTE DE LA VAILLÉE,
For the Government of Belgium.*

* For the text of the principal Agreement see *Treaty Series 1945*, No. 22.

APPENDIX

**EXCHANGE OF NOTES (MAY 2, 1946) BETWEEN CANADA AND
BELGIUM RELATING TO THE FINANCIAL AGREEMENT SIGNED
FOR THEM AT OTTAWA, MAY 2, 1946.**

I

*The Canadian Minister of Finance
to the Ambassador of Belgium*

OTTAWA, May 2, 1946.

DEAR SIR,

In my letter of October 25, 1945, delivered to you at the time of the signing of the agreement for the provision of a credit of \$25,000,000 to the Government of Belgium under the Export Credits Insurance Act, I said that as soon as Parliamentary authority had been granted the Government of Canada would be prepared to increase the amount of the credit to Belgium. As you are aware the necessary Parliamentary authority has been granted and I am now prepared to sign, on behalf of the Government of Canada, a supplementary agreement which will increase the amount of the credit from \$25,000,000 to \$100,000,000. In signing the supplementary agreement I wish to place on record my understanding that the provisions in my letter of October 25, 1945 (except those referring to increasing the amount of credit) will apply to the additional credit being granted under the supplementary agreement signed to-day.

I would appreciate it if you would confirm this understanding.

Yours very truly,

J. L. ILSLEY,
Canadian Minister of Finance.

II

*The Ambassador of Belgium
to the Canadian Minister of Finance*

OTTAWA, May 2, 1946.

DEAR SIR,

I have the honour to acknowledge receipt of your letter of 2nd May, 1946, in which you refer to the supplementary Agreement increasing the amount of the credit to Belgium under the Export Credits Insurance Act from \$25,000,000 to \$100,000,000, and beg to confirm the understanding set forth in your letter.

Yours very truly,

A. PATERNOTTE DE LA VAILLÉE,
Ambassador of Belgium.

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CANADA

TREATY SERIES, 1946

No. 22

AGREEMENT

BETWEEN

CANADA AND AUSTRALIA

FOR

AIR SERVICES

BETWEEN THE TWO COUNTRIES

Signed in Ottawa, June 11, 1946

Came into force, June 11, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946

CANADA

TREATY SERIES, 1946

No. 22

AGREEMENT

BETWEEN

CANADA AND AUSTRALIA

FOR

AIR SERVICES

BETWEEN THE TWO COUNTRIES

Signed in Ottawa, June 11, 1946

Came into force, June 11, 1946



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

1946

AGREEMENT BETWEEN CANADA AND AUSTRALIA FOR AIR SERVICES BETWEEN THE TWO COUNTRIES

Signed in Ottawa, June 11, 1946

The Government of Canada and the Government of the Commonwealth of Australia, hereinafter described as the "Contracting Parties", desiring to establish direct air communications between Canada and Australia, agree as follows:—

ARTICLE 1

Each contracting party grants to the other contracting party the rights specified in the Annex to this Agreement for the purpose of establishing the air services therein described. Such services may be inaugurated immediately, or at a later date at the option of the contracting party to whom the rights are granted.

ARTICLE 2

(1) Subject to paragraph (2) of this Article, and to Articles 6 and 7, each of the specified air services may be put into operation as soon as the contracting party to whom the rights have been granted, has designated an airline or airlines for the operation of the specified services. The contracting party granting the rights shall, subject to paragraph (2) of this Article, and to Articles 6 and 7, be bound to grant without delay the appropriate operating permission to the airline concerned.

(2) Each of the designated airlines may be required to satisfy the competent air authorities of the other contracting party that it is qualified to fulfil the conditions prescribed under the laws and regulations normally applied by those authorities to the operations of international commercial air services.

ARTICLE 3

The competent air authorities of the contracting parties shall exchange such periodic statements as they may agree relating to the traffic carried on their respective air services to, from and over the territory of the other party, including information concerning the origin and destination of this traffic.

ARTICLE 4

(1) The charges which either of the contracting parties may impose or permit to be imposed on the designated airline or airlines of the other contracting party for the use of airports and other facilities, shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(2) Fuel, lubricating oils and spare parts introduced into, or taken on board aircraft in the territory of one contracting party by, or on behalf of, the designated airline or airlines of the other contracting party, and intended solely for use by the aircraft of such airline or airlines, shall be accorded with respect to customs duties, inspection fees, or other charges imposed by the former contracting party, treatment not less favourable than that granted to national airlines engaged in international air transport or the airlines of the most favoured nation.

(3) Aircraft operating on the specified air services and supplies of fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board aircraft of the designated airline or airlines of one contracting party, shall

be exempt in the territory of the other contracting party from customs duties, inspection fees or similar duties or charges, even though such supplies be used by such aircraft on flights in that territory.

(4) Each of the designated airlines shall have the right to use all airports, airways and other facilities provided by the contracting parties for use by international air services on the specified air routes.

(5) Each contracting party shall grant equal treatment to its own airlines and those of the other contracting party in the application of its customs, immigration, quarantine and similar regulations.

ARTICLE 5

Certificates of airworthiness and certificates of competency, and licences of personnel issued or rendered valid by one contracting party and still in force, shall be recognized as valid by the other contracting party for the purpose of operating the services specified in the Annex. Each contracting party reserves the right, however, to refuse to recognize for the purpose of flight above its own territory, certificates of competency and licences granted to any of its own nationals by another State.

ARTICLE 6

(1) The laws and regulations of one contracting party relating to entry into, or departure from, its territory of aircraft engaged in international air navigation or to the operation and navigation of such aircraft while within its territory, shall apply to aircraft of the designated airline or airlines of the other contracting party.

(2) The laws and regulations of one contracting party relating to the entry into, or departure from, its territory of passengers, crew or cargo of aircraft (such as regulations relating to entry, clearance, immigration, passports, customs and quarantine) shall be applicable to the passengers, crew or cargo of aircraft of the designated airline or airlines of the other contracting party, while in the territory of the first contracting party.

ARTICLE 7

(1) Notwithstanding the other provisions of this Agreement, if either contracting party is not satisfied that substantial ownership and effective control of an airline designated under this Agreement are vested in nationals of the other contracting party, such contracting party may withhold or revoke the rights conferred under this Agreement for such airline to operate air services specified in the Annex. For the purposes of this Article nationals of the United Kingdom and nationals of New Zealand shall be considered to be nationals of Australia.

(2) Each contracting party reserves the right to withhold or revoke rights conferred under this Agreement for the operation of the specified services by any designated airline or airlines of the other contracting party in case of failure by such airline to comply with the laws and regulations of the first contracting party as referred to in Article 6, or otherwise to fulfil the conditions under which the rights are granted in accordance with this Agreement.

ARTICLE 8

If either of the contracting parties considers it desirable to modify any provision or provisions of the Annex to this Agreement it shall notify the other contracting party of the desired modification and such modification may be made by direct agreement between the competent air authorities of both contracting parties to be confirmed by exchange of notes.

ARTICLE 9

Any dispute between the contracting parties relating to the interpretation or application of this Agreement, or of the Annex thereto, shall be referred for decision to the Interim Council, in accordance with the provisions of Article III, Section 6, paragraph 8, of the Interim Agreement on Civil Aviation signed at Chicago on December 7, 1944, unless the contracting parties agree to settle the dispute by referring it to an Arbitral Tribunal appointed by agreement between the contracting parties, or to some other person or body, the contracting parties undertaking to comply with the decision given.

ARTICLE 10

When the Convention on International Civil Aviation signed at Chicago on December 7, 1944, comes into operation in respect of both the contracting parties, reference in this Agreement to the Interim Agreement, the Interim Council and the Provisional International Civil Aviation Organization shall be interpreted as reference to the Convention, the Council and the International Civil Aviation Organization. In the event of the conclusion of any other multilateral convention concerning air transport to which both contracting parties adhere, this Agreement shall be read subject to the provisions of such multilateral convention or if considered necessary by either contracting party, this Agreement shall be amended so as to conform with its provisions.

ARTICLE 11

Either contracting party may at any time give notice to the other if it desires to terminate this Agreement. Such notice shall be simultaneously communicated to the Provisional International Civil Aviation Organization. If such notice is given, the Agreement will terminate twelve (12) months after the date of receipt of the notice by the other contracting party, unless the notice to terminate is withdrawn by agreement before the expiry of this period. In the absence of acknowledgment of receipt by the other contracting party, notice shall be deemed to have been received fourteen (14) days after the receipt of the notice by the Provisional International Civil Aviation Organization.

ARTICLE 12

This Agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization set up under the Interim Agreement on Civil Aviation done at Chicago on December 7, 1944.

ARTICLE 13

This Agreement shall come into force on the date of signature.

Done in duplicate, in Ottawa, on the eleventh day of June, 1946.

For the Government of Canada:

C. D. HOWE.

For the Government of the Commonwealth of Australia:

ARTHUR S. DRAKEFORD.

ANNEX

1. An airline designated by the Government of Australia may operate a return service originating in Australia and terminating in Canada on the route specified below and may take on and put down at Vancouver passengers, mail and cargo for and from Australia.

2. The route to be operated by the designated airline of the Government of Australia shall be:—

Sydney to Vancouver via Fiji, Canton Island, Honolulu, San Francisco or other intermediate stopping places as may be mutually agreed—in both directions.

3. An airline designated by the Government of Canada may operate a return service originating in Canada and terminating in Australia on the route specified below and may take on and put down at Sydney passengers, mail and cargo for and from Canada.

4. The route to be operated by the designated airline of the Government of Canada shall be:—

Vancouver to Sydney via such intermediate stopping places as may be mutually agreed—in both directions.

5. In the event the designated airlines of Australia and Canada enter into a pooling arrangement in accordance with Article XII, Section 3 of the Interim Agreement on International Civil Aviation, either contracting party may permit the designated airline of the other contracting party to exercise on the specified route any of the rights exercised by its own designated airline.

6. (a) The capacity to be operated from time to time by the designated airlines of Australia and of Canada for the conveyance of the traffic referred to in the foregoing paragraphs shall be maintained in close relationship with the traffic offering between Australia and Canada—in both directions. The capacity to be provided shall be discussed from time to time between the competent air authorities of the contracting parties.

(b) This capacity shall be divided between the airlines designated by Australia and by Canada in proportions corresponding to the proportions in which traffic to be carried between Australia and Canada in both directions is embarked in Australia and Canada respectively. Unless otherwise agreed this capacity shall be shared equally between the airlines of the two contracting parties.

7. The frequencies of the services to be operated by the designated airlines of the contracting parties and the load factor to be adopted for determining the frequencies shall from time to time be agreed between the airlines of the contracting parties, subject to the approval of the competent air authorities of the contracting parties.

8. In order to meet seasonal fluctuations or unexpected demands of a temporary character the designated airlines may, notwithstanding the provisions of paragraph 6 of this Annex agree between them to such temporary increases of capacity for either airline or both airlines as are necessary to meet the traffic demand. Any such increase shall be reported forthwith to the competent air authorities who may confirm or modify them.

9. In so far as one of the contracting parties may not wish, permanently or temporarily, to operate, in full or in part, the capacity to which it is entitled under the preceding paragraphs, that contracting party may arrange with the other contracting party under terms and conditions to be agreed between them for the designated airline of such other contracting party to operate additional capacity so as to maintain the full capacity agreed upon between them in

accordance with the preceding paragraphs. It shall, however, be a condition of any such arrangement that if the first contracting party should at any time decide to commence to operate or to increase the capacity of its services, within the total capacity to which it is entitled under paragraph 6 of this Annex, the airline of the other contracting party shall withdraw correspondingly some or all of the additional capacity which it had been operating.

10. (a) Tariffs to be charged by the designated airlines referred to in this Annex shall be agreed in the first instance between them, having due regard to the rates fixed by any Tariff Conference of airlines operating in the area. Any tariff so agreed will be subject to the approval of the competent air authorities of the contracting parties. In the event of disagreement between the airlines, the competent air authorities of the contracting parties shall endeavour to reach an agreement. Should the competent national air authorities or subsequently the contracting parties themselves fail to agree, the matter in dispute will be referred to arbitration as provided for in Article 9 of this Agreement.

(b) The tariffs to be agreed as above shall be fixed at reasonable levels, due regard being paid to all relevant factors including economical operation, reasonable profit, differences of characteristics of service (including standards of speed and accommodation) and the tariffs charged by any other operators on the route.

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Canada Exports Office 800000



TREATY SERIES, 1946

No. 23

PROTOCOL TO PROLONG THE INTERNATIONAL SANITARY CONVENTION 1944 MODIFYING THE INTERNATIONAL SANITARY CONVENTION 1926

Signed at Washington, April 23, 1946
CAME INTO FORCE, APRIL 30, 1946

RECUEIL DES TRAITÉS 1946

No 23

PROTOCOLE PROROGÉANT LA DURÉE DE LA CONVENTION SANITAIRE DE 1944 PORTANT MODIFICATION DE LA CONVENTION SANITAIRE DE 1926

Signé à Washington le 23 avril 1946
MIS EN VIGUEUR LE 30 AVRIL 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

CANADA

TREATY SERIES, 1946

No. 23

PROTOCOL TO PROLONG
THE INTERNATIONAL SANITARY CONVENTION 1944
MODIFYING
THE INTERNATIONAL SANITARY CONVENTION 1926

Signed at Washington, April 23, 1946
COME INTO FORCE, APRIL 30, 1946

RECUEIL DES TRAITÉS 1946
No 23

PROTOCOLE
PROROGÉANT LA DURÉE
DE LA CONVENTION SANITAIRE DE 1944
PORTANT MODIFICATION
DE LA CONVENTION SANITAIRE DE 1926

Signé à Washington le 23 avril 1946
MIS EN VIGUEUR LE 30 AVRIL 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

PROTOCOL TO PROLONG THE INTERNATIONAL SANITARY CONVENTION 1944 MODIFYING THE INTERNATIONAL SANITARY CONVENTION OF JUNE 21, 1926.

Signed at Washington, April 23, 1946

The Governments signatory to the present Protocol,

Considering that, unless prolonged in force by action taken for that purpose by the interested Governments, the International Sanitary Convention, 1944, Modifying the International Sanitary Convention of June 21, 1926, will expire on July 15, 1946, the expiration of eighteen months from the date on which the said 1944 Convention entered into force; and

Considering that it is desirable that the said 1944 Convention shall be prolonged in force after July 15, 1946 between the Governments parties thereto;

Have appointed their respective Plenipotentiaries who, having deposited their full powers, found in good and proper form, have agreed as follows:

ARTICLE I

Subject to the limitation provided for in Article II of the present Protocol, the International Sanitary Convention, 1944, Modifying the International Sanitary Convention of June 21, 1926, shall be prolonged in force on and after July 15, 1946, in respect of each of the Governments parties to the present Protocol, until the date on which such Government shall become bound by a further Convention amending or superseding the said 1944 Convention and the said 1926 Convention.

ARTICLE II

The United Nations Relief and Rehabilitation Administration (hereinafter referred to as UNRRA) shall continue to perform the duties and functions assigned to it by the said 1944 Convention, as prolonged by the present Protocol, until such time as a new International Health Organization shall be established, at which time such duties and functions shall be transferred to and shall be assumed by such new International Health Organization, provided that if the new International Health Organization has not been formed or, having been formed, is unable to perform the above duties and functions by the date on which UNRRA, owing to the termination of its activities in Europe or for any other reason, ceases to be able to perform them, those duties and functions shall be intrusted to the Office International d'Hygiène Publique and the countries signatory to this Protocol will, in that event, make appropriate financial provisions so as to enable the Office to perform those duties and functions.

ARTICLE III

The present Protocol shall remain open for signature until May 1, 1946.

ARTICLE IV

The present Protocol shall come into force when it has been signed without reservation in regard to ratification, or instruments of ratification have been deposited or notifications of accession have been received on behalf of at least ten governments. The present Protocol shall come into force in respect of each of the other signatory Governments on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event the present Protocol shall come into force in respect of such Government on the date of the deposit of its instrument of ratification.

PROTOCOLE PROROGÉANT LA DURÉE DE LA CONVENTION SANITAIRE DE 1944 PORTANT MODIFICATION DE LA CONVENTION SANITAIRE DU 21 JUIN 1926.

Signé à Washington le 23 avril 1946

Les Gouvernements signataires du présent Protocole,

Considérant que, si elle n'est pas maintenue en vigueur par des mesures prises à cet effet par les Gouvernements intéressés, la Convention sanitaire internationale de 1944 portant modification de la Convention sanitaire internationale du 21 juin 1926 expirera le 15 juillet 1946, date d'expiration du délai de dix-huit mois à compter du jour où ladite Convention de 1944 est entrée en vigueur; et

Considérant qu'il est désirable de proroger ladite Convention de 1944 au delà de la date du 15 juillet 1946 entre les Gouvernements qui y sont parties;

Ont désigné leurs Plénipotentiaires respectifs, qui, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit:

ARTICLE I

Sous réserve des stipulations de l'article II du présent Protocole, la Convention sanitaire internationale de 1944 portant modification de la Convention sanitaire internationale du 21 juin 1926 demeurera en vigueur, à dater du 15 juillet 1946, à l'égard des Gouvernements parties au présent Protocole jusqu'au jour où chacun desdits Gouvernements se trouvera lié par une convention ultérieure modifiant ou remplaçant ladite Convention de 1944 et ladite Convention de 1926.

ARTICLE II

L'Administration des Nations Unies de Secours et de Restauration (dénommée ci-après UNRRA) continuera à assumer les tâches et fonctions qui lui sont assignées par ladite Convention de 1944, telle qu'elle est prorogée par le présent Protocole, jusqu'au jour où une nouvelle Organisation internationale d'Hygiène sera établie, date à laquelle ces tâches et fonctions seront transférées à ladite Organisation internationale d'Hygiène et assumées par elle; toutefois, si la nouvelle Organisation internationale d'Hygiène n'a pas encore été constituée, ou si, après sa constitution, elle se trouve dans l'impossibilité de se charger des tâches et fonctions mentionnées ci-dessus à la date à laquelle UNRRA, parce que ses activités en Europe ont pris fin ou pour toute autre raison, cessera d'être en mesure de s'en charger, ces tâches et fonctions seront confiées à l'Office international d'Hygiène publique et, dans ce cas, les pays signataires du présent Protocole prendront les mesures financières appropriées pour permettre à l'Office de remplir ces tâches et fonctions.

ARTICLE III

Le présent Protocole demeurera ouvert à la signature jusqu'au 1er mai 1946.

ARTICLE IV

Le présent Protocole entrera en vigueur lorsqu'il aura été signé sans réserve de ratification, ou lorsque des instruments de ratification auront été déposés ou des notifications d'adhésion reçues au nom de dix Gouvernements au moins. Le présent Protocole entrera en vigueur à l'égard de chacun des autres Gouvernements signataires à la date de la signature en son nom, à moins que cette signature ne soit accompagnée d'une réserve de ratification, auquel cas le présent Protocole entrera en vigueur à l'égard de ce Gouvernement à la date du dépôt de son instrument de ratification.

ARTICLE V

1946, No. 23

After May 1, 1946, the present Protocol shall be open to accession by any Government which is a party to the 1944 Convention and is not a signatory to the present Protocol. Each accession shall be notified in writing to the Government of the United States of America.

Accessions notified on or before the date on which the present Protocol enters into force shall be effective as of that date. Accessions notified after the date of the entry into force of the present Protocol shall become effective in respect of each Government upon the date of the receipt of that Government's notification of accession.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries sign the present Protocol, on the date indicated opposite their respective signatures, in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Government of the United States of America and of which certified copies shall be furnished by the Government of the United States of America to each of the signatory and acceding Governments and to each of the Governments parties to the said 1944 Convention or the said 1926 Convention.

DONE at Washington this twenty-third day of April, 1946.

For NEW ZEALAND:	April 23, 1946
For BELGIUM:	April 24, 1946

Sous réserve de ratification.

For CANADA:	April 25, 1946
For NICAGUANA:	April 26, 1946
For the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:	April 29, 1946
For the UNITED STATES OF AMERICA:	April 30, 1946

Subject to ratification.

For GREECE:	April 30, 1946
For CHINA:	April 30, 1946
For LUXEMBOURG:	April 30, 1946
For ECUADOR:	April 30, 1946

Subject to ratification.

For AUSTRALIA:	April 30, 1946
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Subject to the reservations with which Australia acceded to the 1944 Convention to which this Protocol relates.

For HAITI:	April 30, 1946
For FRANCE:	April 30, 1946

1946, No 23

ARTICLE V

Après le 1er mai 1946, le présent Protocole sera ouvert à l'adhésion de tout Gouvernement partie à la Convention de 1944 qui n'est pas signataire du présent Protocole. Chaque adhésion sera notifiée par écrit au Gouvernement des Etats-Unis d'Amérique.

Les adhésions notifiées avant ou à la date de l'entrée en vigueur du présent Protocole deviendront effectives à partir de cette date. Les adhésions notifiées après l'entrée en vigueur du présent Protocole deviendront effectives à l'égard de chaque Gouvernement à partir de la réception de la notification d'adhésion de ce Gouvernement.

EN FOI DE QUOI, les Plénipotentiaires soussignés ont signé les textes anglais et français du présent Protocole, les deux versions faisant également foi, à la date figurant en regard de leurs signatures respectives, en un seul exemplaire qui sera déposé aux archives du Gouvernement des Etats-Unis d'Amérique et dont des copies certifiées conformes seront fournies par le Gouvernement des Etats-Unis d'Amérique à chacun des Gouvernements signataires et adhérents et à chacun des Gouvernements parties à ladite Convention de 1944 et à ladite Convention de 1926.

FAIT à Washington, le vingt-troisième jour d'avril 1946.

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(CANADA)

TREATY SERIES, 1946

No. 24

PROTOCOL TO PROLONG
THE INTERNATIONAL SANITARY CONVENTION
FOR AERIAL NAVIGATION, 1944,
MODIFYING
THE INTERNATIONAL SANITARY CONVENTION
FOR AERIAL NAVIGATION
OF APRIL 12, 1933
Signed at Washington, April 23, 1946
CAME INTO FORCE, APRIL 30, 1946

RECUEIL DES TRAITÉS 1946
No 24
PROTOCOLE
PROROGÉANT LA DURÉE
DE LA CONVENTION SANITAIRE
POUR LA NAVIGATION AÉRIENNE DE 1944
PORTANT MODIFICATION
DE LA CONTENTION SANITAIRE
POUR LA NAVIGATION AÉRIENNE
DU 12 AVRIL 1933
Signé à Washington le 23 avril 1946
MIS EN VIGUEUR LE 30 AVRIL 1946



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

CANADA

TREATY SERIES, 1946

No. 24

PROTOCOL TO PROLONG

THE INTERNATIONAL SANITARY CONVENTION
FOR AERIAL NAVIGATION, 1944,

MODIFYING

THE INTERNATIONAL SANITARY CONVENTION
FOR AERIAL NAVIGATION

OF APRIL 12, 1933

Signed at Washington, April 23, 1946

CAME INTO FORCE, APRIL 30, 1946

RECUEIL DES TRAITÉS 1946

No 24

PROTOCOLE

PROROGÉANT LA DURÉE

DE LA CONVENTION SANITAIRE

POUR LA NAVIGATION AÉRIENNE DE 1944

PORTANT MODIFICATION

DE LA CONVENTION SANITAIRE

POUR LA NAVIGATION AÉRIENNE

DU 12 AVRIL 1933

Signé à Washington le 23 avril 1946

MIS EN VIGUEUR LE 30 AVRIL 1946



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

PROTOCOL TO PROLONG THE INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION, 1944, MODIFYING THE INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION OF APRIL 12, 1933.

Signed at Washington, April 23, 1946

The Governments signatory to the present Protocol,

Considering that, unless prolonged in force by action taken for that purpose by the interested Governments, the International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, will expire on July 15, 1946, the expiration of eighteen months from the date on which the said 1944 Convention entered into force; and

Considering that it is desirable that the said 1944 Convention shall be prolonged in force after July 15, 1946, between the Governments parties thereto;

Have appointed their respective Plenipotentiaries who, having deposited their full powers, found in good and proper form, have agreed as follows:

ARTICLE I

Subject to the limitation provided for in Article II of the present Protocol, the International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, shall be prolonged in force on and after July 15, 1946, in respect of each of the Government parties to the present Protocol, until the date on which such Government shall become bound by a further Convention amending or superseding the said 1944 Convention and the said 1933 Convention.

ARTICLE II

The United Nations Relief and Rehabilitation Administration (hereinafter referred to as UNRRA) shall continue to perform the duties and functions assigned to it by the said 1944 Convention, as prolonged by the present Protocol, until such time as a new International Health Organization shall be established, at which time such duties and functions shall be transferred to and shall be assumed by such new International Health Organization, provided that if the new International Health Organization has not been formed or, having been formed, is unable to perform the above duties and functions by the date on which UNRRA, owing to the termination of its activities in Europe or for any other reason, ceases to be able to perform them, those duties and functions shall be entrusted to the Office International d'Hygiène Publique and the countries signatory to this Protocol will, in that event, make appropriate financial provisions so as to enable the Office to perform those duties and functions.

ARTICLE III

The present Protocol shall remain open for signature until May 1, 1946.

ARTICLE IV

The present Protocol shall come into force when it has been signed without reservation in regard to ratification, or instruments of ratification have been deposited or notifications of accession have been received on behalf of at least ten Governments. The present Protocol shall come into force in respect of each

PROTOCOLE PROROGÉANT LA DURÉE DE LA CONVENTION SANITAIRE POUR LA NAVIGATION AÉRIENNE DE 1944 PORTANT MODIFICATION DE LA CONVENTION SANITAIRE POUR LA NAVIGATION AÉRIENNE DU 12 AVRIL 1933.

Signé à Washington le 23 avril 1946

Les Gouvernements signataires du présent Protocole,

Considérant que, si elle n'est pas maintenue en vigueur par des mesures prises à cet effet par les Gouvernements intéressés, la Convention sanitaire internationale pour la Navigation aérienne de 1944 portant modification de la Convention sanitaire internationale pour la Navigation aérienne du 12 avril 1933 expirera le 15 juillet 1946, date d'expiration du délai de dix-huit mois à compter du jour où ladite Convention de 1944 est entrée en vigueur; et

Considérant qu'il est désirable de proroger ladite Convention de 1944 au delà de la date du 15 juillet 1946 entre les Gouvernements qui y sont parties;

Ont désigné leurs Plénipotentiaires respectifs, qui, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit:

ARTICLE I

Sous réserve des stipulations de l'article II du présent Protocole, la Convention sanitaire internationale pour la Navigation aérienne de 1944 portant modification de la Convention sanitaire internationale pour la Navigation aérienne du 12 avril 1933 demeurera en vigueur, à dater du 15 juillet 1946, à l'égard des Gouvernements parties au présent Protocole jusqu'au jour où chacun desdits Gouvernements se trouvera lié par une convention ultérieure modifiant ou remplaçant ladite Convention de 1944 et ladite Convention de 1933.

ARTICLE II

L'Administration des Nations Unies de Secours et de Restauration (dénommée ci-après UNRRA) continuera à assumer les tâches et fonctions qui lui sont assignées par ladite Convention de 1944, telle qu'elle est prorogée par le présent Protocole, jusqu'au jour où une nouvelle Organisation internationale d'Hygiène sera établie, date à laquelle ces tâches et fonctions seront transférées à ladite Organisation internationale d'Hygiène et assumées par elle; toutefois, si la nouvelle Organisation internationale d'Hygiène n'a pas encore été constituée, ou si, après sa constitution, elle se trouve dans l'impossibilité de se charger des tâches et fonctions mentionnées ci-dessus à la date à laquelle UNRRA, parce que ses activités en Europe ont pris fin ou pour toute autre raison, cessera d'être en mesure de s'en charger, ces tâches et fonctions seront confiées à l'Office international d'Hygiène publique et, dans ce cas, les pays signataires du présent Protocole prendront les mesures financières appropriées pour permettre à l'Office de remplir ces tâches et fonctions.

ARTICLE III

Le présent Protocole demeurera ouvert à la signature jusqu'au 1er mai 1946.

ARTICLE IV

Le présent Protocole entrera en vigueur lorsqu'il aura été signé sans réserve de ratification, ou lorsque des instruments de ratification auront été déposés ou des notifications d'adhésion reçues au nom de dix Gouvernements au moins. Le présent Protocole entrera en vigueur à l'égard de chacun des autres Gouverne-

of the other signatory Governments on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event the present Protocol shall come into force in respect of such Government on the date of the deposit of its instrument of ratification.

ARTICLE V

After May 1, 1946 the present Protocol shall be open to accession by any Government which is a party to the 1944 Convention and is not a signatory to the present Protocol. Each accession shall be notified in writing to the Government of the United States of America.

Accessions notified on or before the date on which the present Protocol enters into force shall be effective as of that date, Accessions notified after the date of the entry into force of the present Protocol shall become effective in respect of each Government upon the date of the receipt of that Government's notification of accession.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries sign the present Protocol, on the date indicated opposite their respective signatures, in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Government of the United States of America and of which certified copies shall be furnished by the Government of the United States of America to each of the signatory and acceding Governments and to each of the Governments parties to the said 1944 Convention or the said 1933 Convention.

DONE at Washington this twenty-third day of April, 1946.

FOR NEW ZEALAND:	April 23, 1946
FOR BELGIUM: Sous réserve de ratification.	April 24, 1946
FOR CANADA:	April 25, 1946
FOR NICARAGUA:	April 26, 1946
FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:	April 29, 1946
FOR THE UNITED STATES OF AMERICA: Subject to ratification.	April 30, 1946.
FOR GREECE:	April 30, 1946
FOR CHINA:	April 30, 1946
FOR LUXEMBOURG:	April 30, 1946
FOR ECUADOR: Subject to ratification.	April 30, 1946
FOR AUSTRALIA: Subject to the reservations with which Australia acceded to the 1944 Convention to which this Protocol relates.	April 30, 1946
FOR HAITI:	April 30, 1946
FOR FRANCE:	April 30, 1946

ments signataires à la date de la signature en son nom, à moins que cette signature ne soit accompagnée d'une réserve de ratification, auquel cas le présent Protocole entrera en vigueur à l'égard de ce Gouvernement à la date du dépôt de son instrument de ratification.

ARTICLE V

Après le 1er mai 1946, le présent Protocole sera ouvert à l'adhésion de tout Gouvernement partie à la Convention de 1944 qui n'est pas signataire du présent Protocole. Chaque adhésion sera notifiée par écrit au Gouvernement des Etats-Unis d'Amérique.

Les adhésions notifiées avant ou à la date de l'entrée en vigueur du présent Protocole deviendront effectives à partir de cette date. Les adhésions notifiées après l'entrée en vigueur du présent Protocole deviendront effectives à l'égard de chaque Gouvernement à partir de la réception de la notification d'adhésion de ce Gouvernement.

EN FOI DE QUOI, les Plénipotentiaires soussignés ont signé les textes anglais et français du présent Protocole, les deux versions faisant également foi, à la date figurant en regard de leurs signatures respectives, en un seul exemplaire qui sera déposé aux archives du Gouvernement des Etats-Unis d'Amérique et dont des copies certifiées conformes seront fournies par le Gouvernement des Etats-Unis d'Amérique à chacun des Gouvernements signataires et adhérents et à chacun des Gouvernements parties à ladite Convention de 1944 et à ladite Convention de 1933.

FAIT à Washington, le vingt-troisième jour d'avril 1946.

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Canada External Affairs Dept. 1946

CANADA

TREATY SERIES, 1946
No. 25

EXCHANGE OF NOTES

(April 16 and May 14, 1946)

BETWEEN

CANADA AND THE UNION OF SOUTH AFRICA

AMENDING

FOR THE PERIOD 1st MAY TO
31st DECEMBER, 1946 THE TRADE
AGREEMENT BETWEEN THE TWO
COUNTRIES OF 20th AUGUST, 1932,
AS REGARDS WOOL IMPORTED
INTO CANADA

In Effect 1st May, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

CANADA

TREATY SERIES, 1946

No. 25

EXCHANGE OF NOTES

(April 16 and May 14, 1946)

BETWEEN

CANADA AND THE UNION OF SOUTH AFRICA

AMENDING

FOR THE PERIOD 1st MAY TO
31st DECEMBER, 1946 THE TRADE
AGREEMENT BETWEEN THE TWO
COUNTRIES OF 20th AUGUST, 1932,
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INTO CANADA ~

In Effect 1st May, 1946



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

SUMMARY

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EXCHANGE OF NOTES BETWEEN CANADA AND THE UNION OF SOUTH AFRICA AMENDING FOR THE PERIOD MAY 1 TO DECEMBER 31, 1946, THE TRADE AGREEMENT BETWEEN THE TWO COUNTRIES OF AUGUST 20, 1932, AS REGARDS WOOL IMPORTED INTO CANADA.*

Signed at Cape Town, April 16 and May 14, 1946

I

*The Acting High Commissioner for Canada
to the Acting Secretary for External Affairs
of the Union of South Africa*

CAPE TOWN, April 16, 1946.

SIR,

I have the honour to refer to the Exchange of Notes which took place in Ottawa on January 12 and 15, 1940, under which the Government of the Union of South Africa agreed to the suspension, for a period of four months dating from January 1, 1940, of the intermediate tariff of 10 cents per pound on wool not further processed than combed.

In December 1939, in view of the acute difficulty in securing wool supplies, the Canadian Government desired a temporary removal of this intermediate tariff and enquired whether the Union Government would be agreeable as South Africa enjoyed preferential tariff treatment with respect to wool, in accordance with Article IV and Tariff Item 549 of Schedule A of the 1932 Trade Agreement between Canada and the Union of South Africa.

The Canadian supply position with respect to wool tops has again deteriorated seriously since the latter half of 1945 and Canada is unable to obtain delivery of combed wool from Commonwealth countries, or Empire wool combed abroad, in sufficient quantities to meet her requirements and again finds it necessary to widen the field of purchase.

I have been instructed to request your consent to the waiving again of your margin of preference until December 1946. It would be appreciated if you could give this consent at an early date.

I have the honour to be,

Sir,

Your obedient servant,

J. C. MacGILLIVRAY,
Acting High Commissioner for Canada.

II

*The Acting Secretary for External Affairs
of the Union of South Africa
to the Acting High Commissioner for Canada*

CAPE TOWN, May 14, 1946.

SIR,

I have the honour to refer to your letter of the 16th April, 1946, in regard to your Government's desire that the Union Government should agree to a temporary variation of the provisions of Article IV of the Union-Canadian Trade Agreement concluded at Ottawa on the 20th August, 1932, whereby the Canadian Government would be permitted to suspend, until December, 1946, the duty

*For the text of the Trade Agreement of 1932, see Canada Treaty Series 1933, No. 4.

of 10 cents per pound weight leivable on wool tops and combed wool (ex Tariff Item 549) imported into Canada from countries whose products are subject to the intermediate rate of duty in the Canadian Customs Tariff.

I now have the honour to inform you that the Union Government agree to the temporary suspension of the preferential duty of 10 cents per pound weight on wool tops and combed wool for the period 1st May to 31st December, 1946.

This Note and your confirmatory reply thereto will be regarded as constituting an agreement between our two Governments in the matter, it being understood that this Agreement shall lapse if not approved by resolution of both Houses of Parliament of the Union of South Africa in terms of the Union's Customs Legislation.

I have the honour to be,

Sir,

Your obedient servant,

J. D. POHL,
Acting Secretary for External Affairs.

III

*The Acting High Commissioner for Canada
to the Acting Secretary for External Affairs
of the Union of South Africa*

CAPE TOWN, May 14, 1946.

SIR,

I have the honour to acknowledge receipt of your Note of May 14, reading as follows:

"I have the honour to refer to your letter of the 16th April, 1946, in regard to your Government's desire that the Union Government should agree to a temporary variation of the provisions of Article IV of the Union-Canadian Trade Agreement concluded at Ottawa on the 20th August, 1932, whereby the Canadian Government would be permitted to suspend, until December, 1946, the duty of 10 cents per pound weight leivable on wool tops and combed wool (ex Tariff Item 549) imported into Canada from countries whose products are subject to the intermediate rate of duty in the Canadian Customs Tariff.

I now have the honour to inform you that the Union Government agree to the temporary suspension of the preferential duty of 10 cents per pound weight on wool tops and combed wool for the period 1st May to 31st December, 1946.

This Note and your confirmatory reply thereto will be regarded as constituting an agreement between our two Governments in the matter, it being understood that this Agreement shall lapse if not approved by resolution of both Houses of Parliament of the Union of South Africa in terms of the Union's Customs Legislation."

I am authorized by my Government to inform you that they accept the arrangement set out in the above Note and agree that your Note and this reply shall constitute an agreement between the Government of Canada and the Government of the Union of South Africa, which shall enter into force with effect from May 1, 1946, subject to the condition mentioned.

I have the honour to be,

Sir,

Your obedient servant,

J. C. MacGILLIVRAY,
Acting High Commissioner for Canada.

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Canada External Affairs Dept. No.



TREATY SERIES, 1946
No. 26

EXCHANGE OF NOTES

(March 18, April 12, 1946)

BETWEEN

CANADA AND NEWFOUNDLAND

PROLONGING THE

AGREEMENT FOR COMMERCIAL SERVICE
TO NEWFOUNDLAND BY TRANS-CANADA AIR LINES
ENTERED INTO BY AN EXCHANGE OF NOTES

IN FEBRUARY 1942

Effective April 1, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

CANADA

TREATY SERIES, 1946

No. 26

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Effective April 1, 1946



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

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**EXCHANGE OF NOTES (MARCH 18, APRIL 12, 1946) BETWEEN
CANADA AND NEWFOUNDLAND PROLONGING THE AGREEMENT
FOR COMMERCIAL SERVICE TO NEWFOUNDLAND BY TRANS-
CANADA AIR LINES ENTERED INTO BY AN EXCHANGE OF NOTES
IN FEBRUARY 1942.***

I

*The High Commissioner for Canada
to the Commissioner for Public Utilities and Supply
for Newfoundland*

OFFICE OF THE HIGH COMMISSIONER FOR CANADA

No. 17

St. JOHN'S, Newfoundland, March 18, 1946.

DEAR MR. NEILL,

I wish to refer to your letter of March 16, 1945 and earlier correspondence respecting the Agreement for commercial air service to Newfoundland by Trans-Canada Air Lines entered into by an Exchange of Notes in February 1942 and prolonged for a further period of one year by an Exchange of Notes in 1943, 1944, and 1945, and which is due to expire, unless extended, on March 31, 1946.

The Canadian Government is desirous of concluding an over-all Agreement with the Government of Newfoundland on all matters pertaining to air services at the earliest convenient opportunity. It is felt, however, that these matters cannot be appropriately discussed with the authorities of your Government until after the termination of the North Atlantic Route Services Conference which is at present being held in Dublin. In the meantime it would seem necessary, unless the Agreement is to lapse, to have the Permit, issued by the Newfoundland Government to Trans-Canada Air Lines covering their Newfoundland services, renewed for a further period. Accordingly, I have been directed to request that the present Agreement be prolonged by an Exchange of Notes for a period of six months from April 1 to September 30, 1946, inclusive.

Yours sincerely,

J. S. MACDONALD,
High Commissioner for Canada.

*For the Exchange of Notes of February 1942 see Canada Treaty Series 1942, No. 19.

*The Commissioner for Public Utilities and Supply for Newfoundland
to the High Commissioner for Canada*

DEPARTMENT OF PUBLIC WORKS

ST. JOHN'S, Newfoundland, April 12, 1946.

DEAR HIGH COMMISSIONER,

I refer to your letter No. 17 of the 18th of March.

2. Your request to have the T.C.A. Agreement prolonged for a period of six months was agreed to in Commission on the 27th of March.

3. I note that matters pertaining to air services generally will be discussed with your Government at the earliest convenient opportunity. In the meantime, the Commission agrees to the extension of the T.C.A. Agreement over the period requested by you.

Yours sincerely,

J. S. NEILL,
*Commissioner for Public Utilities
and Supply.*

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(CANADA)

TREATY SERIES, 1946

No. 27

EXCHANGE OF NOTES

(June 12, 1946)

BETWEEN

CANADA

AND

THE UNION OF SOUTH AFRICA

AMENDING

For the period June 1 to December 31, 1946, the Trade Agreement between the two countries of August 20, 1932, as regards Shafy Wool for Papermakers' Felts imported into Canada

Effective June 1, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947



CANADA

TREATY SERIES, 1946

No. 27

EXCHANGE OF NOTES

(June 12, 1946)

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1947

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**EXCHANGE OF NOTES (JUNE 12, 1946) BETWEEN CANADA AND
THE UNION OF SOUTH AFRICA AMENDING FOR THE PERIOD
JUNE 1st TO DECEMBER 31st, 1946, THE TRADE AGREEMENT
BETWEEN THE TWO COUNTRIES OF AUGUST 20th, 1932,
AS REGARDS SHAFTY WOOL FOR PAPERMAKERS' FELTS
IMPORTED INTO CANADA.***

I

*The Acting Secretary for External Affairs
of the Union of South Africa
to the Acting High Commissioner for Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

Cape Town, June 12, 1946.

Sir,

I have the honour to refer to your letter of the 28th May, 1946, in regard to your Government's desire that the Union Government should agree to a temporary variation of the provisions of Article IV of the Union-Canadian Trade Agreement concluded at Ottawa on the 20th August, 1932, whereby the Canadian Government would be permitted to suspend, until December, 1946, the duty of 10 cents per pound weight leviable on special coarse shafty wool used exclusively for papermakers' felts (ex Tariff Item 549) imported into Canada from countries whose products are subject to the intermediate rate of duty in the Canadian Customs Tariff.

I now have the honour to inform you that the Union Government agree to the temporary suspension of the preferential duty of 10 cents per pound weight on special coarse shafty wool used exclusively for papermakers' felts, for the period 1st June to 31st December, 1946.

This Note and your confirmatory reply thereto will be regarded as constituting an agreement between our two Governments in the matter, it being understood that this Agreement shall lapse if not approved by resolution of both Houses of Parliament of the Union of South Africa in terms of the Union's Customs Legislation.

I have the honour to be,

Sir,

Your obedient servant,

J. D. POHL,
Acting Secretary for External Affairs.

*For the text of the Trade Agreement of 1932, see *Canada Treaty Series* 1933, No. 4.

II

*The Acting High Commissioner for Canada
to the Acting Secretary for External Affairs
of the Union of South Africa*

Cape Town, June 12, 1946.

Sir,

I have the honour to acknowledge receipt of your Note of June 12, 1946, reading as follows:

"I have the honour to refer to your letter of the 28th May, 1946, in regard to your Government's desire that the Union Government should agree to a temporary variation of the provisions of Article IV of the Union-Canadian Trade Agreement concluded at Ottawa on the 20th August, 1932, whereby the Canadian Government would be permitted to suspend, until December, 1946, the duty of 10 cents per pound weight leviable on special coarse shafty wool used exclusively for papermakers' felts (ex Tariff Item 549) imported into Canada from countries whose products are subject to the intermediate rate of duty in the Canadian Customs Tariff.

I now have the honour to inform you that the Union Government agree to the temporary suspension of the preferential duty of 10 cents per pound weight on special coarse shafty wool used exclusively for papermakers' felts, for the period 1st June to 31st December, 1946.

This Note and your confirmatory reply thereto will be regarded as constituting an agreement between our two Governments in the matter, it being understood that this Agreement shall lapse if not approved by resolution of both Houses of Parliament of the Union of South Africa in terms of the Union's Customs Legislation."

I am authorized by my Government to inform you that they accept the arrangement set out in the above Note and agree that your Note and this reply shall constitute an agreement between the Government of Canada and the Government of the Union of South Africa, which shall enter into force with effect from June 1, 1946, subject to the condition mentioned.

I have the honour to be,

Sir,

Your obedient servant,

J. C. MACGILLIVRAY,
*Acting High Commissioner
for Canada.*

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CANADA

TREATY SERIES, 1946

No. 28

INSTRUMENT

FOR THE

AMENDMENT OF THE CONSTITUTION
OF THE
INTERNATIONAL LABOUR ORGANISATION

Adopted at Paris, November 5, 1945

Canadian ratification deposited
with the International Labour Office
July 22, 1946

RECUEIL DES TRAITÉS 1946

No 28

INSTRUMENT

POUR

L'AMENDEMENT DE LA CONSTITUTION
DE

L'ORGANISATION INTERNATIONALE
DU TRAVAIL

Adopté à Paris le 5 novembre 1945

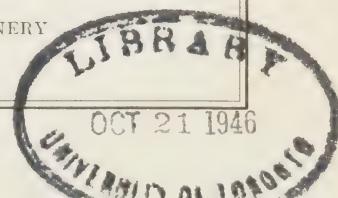
La ratification du Canada a été communiquée
au Bureau International du Travail
le 22 juillet 1946



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

Price: 25 cents



CANADA

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OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY

1946

INSTRUMENT FOR THE AMENDMENT OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

Adopted at Paris, November 5, 1946

The General Conference of the International Labour Organisation,

Having been convened at Paris by the Governing Body of the International Labour Office, and having met in its Twenty-seventh Session on 15 October 1945; and

Having decided upon the adoption without delay of a limited number of amendments to the Constitution of the International Labour Organisation designed to deal with problems of immediate urgency which are included in the fourth item on the agenda of the Session, adopts this fifth day of November of the year 1945, the following instrument embodying amendments to the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment, 1945:

ARTICLE 1

In the final paragraph of the Preamble to the Constitution of the Organisation, the words "Constitution of the International Labour Organisation" shall be inserted after the word "following".

ARTICLE 2

1. The following paragraphs shall be substituted for the present paragraph 2 of Article 1 of the Constitution of the Organisation:

2. The Members of the International Labour Organisation shall be the States which were Members of the Organisation on 1 November 1945, and such other States as may become Members in pursuance of the provisions of paragraphs 3 and 4 of this Article.

3. Any original Member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly in accordance with the provisions of the Charter may become a Member of the International Labour Organisation by communicating to the Director of the International Labour Office its formal acceptance of the obligations of the Constitution of the International Labour Organisation.

4. The General Conference of the International Labour Organisation may also admit Members to the Organisation by a vote concurred in by two-thirds of the delegates attending the Session, including two-thirds of the Government delegates present and voting. Such admission shall take effect on the communication to the Director of the International Labour Office by the Government of the new Member of its formal acceptance of the obligations of the Constitution of the Organisation.

5. No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any International Labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

INSTRUMENT POUR L'AMENDEMENT DE LA CONSTITUTION DE L'ORGANISATION INTERNATIONALE DU TRAVAIL

Adopté à Paris le 5 novembre 1946.

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Paris par le Conseil d'administration du Bureau international
du Travail, et s'étant réunie en sa vingt-septième session le 15 octobre 1945;

Après avoir décidé d'adopter sans délai un nombre réduit d'amendements à
la Constitution de l'Organisation internationale du Travail, relatifs à certains
problèmes d'urgence immédiate compris dans le point quatre de l'Ordre du jour
de la session, adopte, ce cinquième jour de novembre 1945, l'instrument ci-après
renfermant des amendements à la Constitution de l'Organisation internationale
du Travail, instrument qui sera dénommé Instrument d'amendement à la Constitu-
tion de l'Organisation internationale du Travail, 1945:

ARTICLE PREMIER

Au dernier paragraphe du Préambule de la Constitution de l'Organisation,
les mots "ont convenu ce qui suit" sont remplacés par les mots "approuvent la
présente Constitution de l'Organisation internationale du Travail".

ARTICLE 2

1. Le texte actuel du paragraphe 2 de l'article premier de la Constitution
de l'Organisation est remplacé par les paragraphes suivants:

2. Les Membres de l'Organisation internationale du Travail seront les
Etats qui étaient Membres de l'Organisation au premier novembre 1945 et tous
autres Etats qui deviendraient Membres conformément aux dispositions des
paragraphes 3 et 4 du présent article.

3. Tout Membre originaire des Nations Unies et tout Etat admis en qua-
lité de Membre des Nations Unies par décision de l'Assemblée générale confor-
mément aux dispositions de la Charte peut devenir Membre de l'Organisation
internationale du Travail en communiquant au Directeur du Bureau interna-
tional du Travail son acceptation formelle des obligations découlant de la Constitu-
tion de l'Organisation internationale du Travail.

4. La Conférence générale de l'Organisation internationale du Travail peut
également admettre des Membres dans l'Organisation à la majorité des deux
tiers des délégués présents à la session, y compris les deux tiers des délégués
gouvernementaux présents et votants. Cette admission deviendra effective lors-
que le gouvernement du nouveau Membre aura communiqué au Directeur du
Bureau international du Travail son acceptation formelle des obligations dé-
coulant de la Constitution de l'Organisation.

5. Aucun Membre de l'Organisation internationale du Travail ne pourra
s'en retirer sans avoir donné préavis de son intention au Directeur du Bureau
international du Travail. Ce préavis portera effet deux ans après la date de sa
réception par le Directeur, sous réserve que le Membre ait à cette date rempli
toutes les obligations financières résultant de sa qualité de Membre. Lorsqu'un
Membre aura ratifié une convention internationale du travail, ce retrait n'affec-
tera pas la validité, pour la période prévue par la convention, des obligations
résultant de la convention ou y relatives.

6. In the event of any State having ceased to be a Member of the Organisation, its re-admission to membership shall be governed by the provisions of paragraph 3 or paragraph 4 of this Article as the case may be.

ARTICLE 3

The following shall be substituted for the present text of Article 13 of the Constitution of the Organisation:

1. The International Labour Organisation may make such financial and budgetary arrangements with the United Nations as may appear appropriate.

2. Pending the conclusion of such arrangements or if at any time no such arrangements are in force:

- (a) each of the Members will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or the Governing Body, as the case may be;
- (b) all the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid by the Director of the International Labour Office out of the general funds of the International Labour Organisation;
- (c) the arrangements for the approval, allocation and collection of the budget of the International Labour Organisation shall be determined by the Conference by a two-thirds majority of the votes cast by the delegates present, and shall provide for the approval of the budget and of the arrangements for the allocation of expenses among the Members of the Organisation by a committee of Government representatives.

3. The expenses of the International Labour Organisation shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2 (c) of this Article.

4. A Member of the Organisation which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the Conference, in the Governing Body, in any Committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Conference may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

5. The Director of the International Labour Office shall be responsible to the Governing Body for the proper expenditure of the funds of the International Labour Organisation.

ARTICLE 4

The following shall be substituted for the present text of Article 36 of the Constitution of the Organisation:

Amendments to this Constitution which are adopted by the Conference by a majority of two-thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two-thirds of the Members of the Organisation including five of the eight Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of Article 7 of this Constitution.

6. Au cas où un Etat aurait cessé d'être Membre de l'Organisation, sa réadmission en qualité de Membre sera régie par les dispositions des paragraphes 3 ou 4 du présent article.

ARTICLE 3

Le texte actuel de l'article 13 de la Constitution de l'Organisation est remplacé par ce qui suit:

1. L'Organisation internationale du Travail peut conclure avec les Nations Unies tels arrangements financiers et budgétaires qui paraîtraient appropriés.

2. En attendant la conclusion de tels arrangements, ou si, à un moment quelconque, il n'en est pas qui soient en vigueur:

- (a) chacun des Membres paiera les frais de voyage et de séjour de ses délégués et de leurs conseillers techniques, ainsi que de ses représentants prenant part aux sessions de la Conférence et du Conseil d'administration selon les cas;
- (b) tous autres frais du Bureau international du Travail, des sessions de la Conférence ou de celles du Conseil d'administration seront payés par le Directeur du Bureau international du Travail sur le budget général de l'Organisation internationale du Travail;
- (c) les dispositions relatives à l'approbation du budget de l'Organisation internationale du Travail, ainsi qu'à l'assiette et au recouvrement des contributions, seront arrêtées par la Conférence à la majorité des deux tiers des suffrages émis par les délégués présents et stipuleront que le budget et les arrangements concernant la répartition des dépenses entre les Membres de l'Organisation seront approuvés par une commission de représentants gouvernementaux.

3. Les frais de l'Organisation internationale du Travail seront à la charge des Membres, conformément aux arrangements en vigueur en vertu du paragraphe 1er ou du paragraphe 2 du présent article.

4. Un Membre de l'Organisation en retard dans le paiement de sa contribution aux dépenses de l'Organisation ne peut participer au vote à la Conférence, au Conseil d'administration ou à toute Commission, ou aux élections de membres du Conseil d'administration, si le montant de ses arriérés est égal ou supérieur à la contribution due par lui pour les deux années complètes écoulées. La Conférence peut néanmoins autoriser ce Membre à participer au vote si elle constate que le manquement est dû à des circonstances indépendantes de sa volonté.

5. Le Directeur du Bureau international du Travail est responsable vis-à-vis du Conseil d'administration pour l'emploi des fonds de l'Organisation internationale du Travail.

ARTICLE 4

Le texte actuel de l'article 36 de la Constitution de l'Organisation est remplacé par le texte suivant:

Les amendements à la présente Constitution adoptés par la Conférence à la majorité des deux tiers des suffrages émis par les délégués présents entreront en vigueur lorsqu'ils auront été ratifiés ou acceptés par les deux tiers des Membres de l'Organisation comprenant cinq des huit Membres représentés au Conseil d'administration en qualité de Membres ayant l'importance industrielle la plus considérable, conformément aux dispositions du paragraphe 3 de l'article 7 de la présente Constitution.

ARTICLE 5

Three copies of this instrument of amendment shall be authenticated by the signature of the President of the Conference and of the Director of the International Labour Office. Of these copies one shall be deposited in the archives of the International Labour Office, one with the Secretary-General of the League of Nations, and one with the Secretary-General of the United Nations. The Director will communicate a certified copy of the instrument to each of the Members of the International Labour Organisation.

ARTICLE 6

1. The formal ratifications or acceptances of this instrument of amendment shall be communicated to the Director of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.

2. This instrument of amendment will come into force in accordance with the existing provisions of Article 36 of the Constitution of the International Labour Organisation. If the Council of the League of Nations should cease to exist before this instrument has come into force, it shall come into force on ratification or acceptance by three-quarters of the Members of the Organisation.

3. On the coming into force of this instrument, the amendments set forth herein shall take effect as amendments to the Constitution of the International Labour Organisation.

4. On the coming into force of this instrument the Director of the International Labour Office shall so notify all the Members of the International Labour Organisation, the Secretary-General of the United Nations, and all the States having signed the Charter of the United Nations.

The foregoing is the authentic text of the Constitution of the International Labour Organisation Instrument of Amendment, 1945, duly adopted by the General Conference of the International Labour Organisation on the fifth day of November 1945 in the course of its Twenty-seventh Session which was held at Paris.

The English and French versions of the text of this instrument of amendment are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this seventh day of November, 1945.

The President of the Conference,
A. PARODI.

The Acting Director of the International Labour Office,
EDWARD J. PHELAN.

ARTICLE 5

Trois exemplaires authentiques du présent instrument d'amendement seront signés par le Président de la Conférence et par le Directeur du Bureau international du Travail. Un de ces exemplaires sera déposé aux archives du Bureau international du Travail, un autre entre les mains du Secrétaire général de la Société des Nations et un autre entre les mains du Secrétaire général des Nations Unies. Le Directeur communiquera une copie certifiée conforme de cet instrument à chacun des Membres de l'Organisation internationale du Travail.

ARTICLE 6

1. Les ratifications ou acceptations formelles du présent instrument d'amendement seront communiquées au Directeur du Bureau international du Travail qui en informera les Membres de l'Organisation.

2. Le présent instrument d'amendement entrera en vigueur dans les conditions prévues à l'article 36 du texte actuel de la Constitution de l'Organisation internationale du Travail. Si le Conseil de la Société des Nations venait à disparaître avant que cet instrument ne soit entré en vigueur, il entrera en vigueur dès sa ratification ou acceptation par trois quarts des Membres de l'Organisation.

3. Dès l'entrée en vigueur du présent instrument, les amendements qui y figurent, deviendront effectifs en tant qu'amendements à la Constitution de l'Organisation internationale du Travail.

4. Dès l'entrée en vigueur du présent instrument, le Directeur du Bureau international du Travail en informera tous les Membres de l'Organisation internationale du Travail, le Secrétaire général des Nations Unies et tous les Etats qui ont signé la Charte des Nations Unies.

Le texte qui précède est le texte authentique de l'instrument d'amendement à la Constitution de l'Organisation internationale du Travail, 1945, dûment adopté par la Conférence générale de l'Organisation internationale du Travail le 5 novembre 1945, au cours de sa vingt-septième session, qui s'est tenue à Paris.

Les versions française et anglaise du texte du présent instrument d'amendement font également foi.

EN FOI DE QUOI ont apposé leurs signatures, ce septième jour de novembre 1945.

Le Président de la Conférence,
A. PARODI.

*Le Directeur par intérim du Bureau international
du Travail,*
EDWARD J. PHELAN.

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Canada, External Affairs, Sept 5-

CANADA

TREATY SERIES, 1946

No. 29

SUPPLEMENTARY PROTOCOL

TO THE

INTERNATIONAL AGREEMENT
FOR THE REGULATION OF WHALING
OF JUNE 8, 1937
EXTENDING BEYOND MARCH 24, 1946
THE WHALING SEASON FOR 1945-1946

Opened for signature in London, March 15, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., LL.B.
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946



Price: 25 cents.

CANADA

TREATY SERIES, 1946

No. 29

SUPPLEMENTARY PROTOCOL

TO THE

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OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

**SUPPLEMENTARY PROTOCOL TO THE INTERNATIONAL AGREEMENT
FOR THE REGULATION OF WHALING OF JUNE 8, 1937 EXTEND-
ING BEYOND MARCH 24, 1946 THE WHALING SEASON FOR
1945-46.**

Opened for signature in London, March 15, 1946.

The Governments of Canada, Chile, Denmark, Mexico, the Netherlands, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Union of South Africa

Desiring, in view of the serious effect which the war conditions and those arising in the immediately post-war period have had on the world supply of whale oil, which is principally obtained from pelagic whaling operations regulated by the International Agreement for the Regulation of Whaling signed at London on the 8th June, 1937 (hereinafter referred to as the Principal Agreement), as amended by the Protocols signed at London on the 24th June, 1938, and the 7th February, 1944, to put into force by agreement certain supplementary provisions in regard to pelagic whaling for the season 1945-46;

Have agreed as follows:—

ARTICLE 1

(1) Notwithstanding the provisions of Article 7 of the Principal Agreement as amended by Article 1 of the Protocol of the 7th February, 1944, but subject to the provisions of Article 3 of that Protocol, any factory ship which, through unforeseen circumstances, has been unable to reach the whaling grounds until after the 24th November, 1945, shall be permitted to continue whaling operations after the 24th March, 1946, for a period not exceeding two calendar months from that date, provided that in no case shall it operate for a total period in excess of four months, such period to be continuous.

(2) For this purpose a full complement of not more than ten whale catchers may be employed by each factory ship, regardless of the period which such catchers may have already spent on the whaling grounds.

ARTICLE 2

The present Protocol shall come into force with respect to the Governments referred to in the preamble thereto on its signature on behalf of all the said Governments, except that the said Protocol shall come into force with respect to any Government signing subject to ratification upon receipt by the Government of the United Kingdom of notice of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Protocol.

DONE in London, the 15th day of March, 1946, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland and of which certified copies shall be transmitted to all the signatory Governments.

For the Government of Canada:

FREDERIC HUDD.

For the Government of Chile:

MANUEL BIANCHI.

For the Government of Denmark:

E. REVENTLOW.

For the Government of the United Mexican States:

ED. LUQUIN.

For the Government of the Netherlands:

A. BENTINCK.

For the Government of New Zealand:

R. M. SUNLEY.

For the Government of Norway:

ERIK COLBAN.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

A. T. A. DOBSON.

*For the Government of the United States of America:
Subject to ratification.*

W. J. GALLMAN.

For the Government of the Union of South Africa:

A. P. VAN DER POST.

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Canada External Affairs 1946

(CANADA)

TREATY SERIES, 1946.

No. 30

AGREEMENT

BETWEEN

CANADA AND THE UNITED KINGDOM

FOR THE

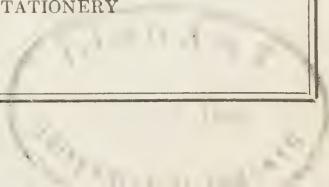
PURCHASE OF CANADIAN WHEAT

Signed at Ottawa, July 24, 1946

In Force July 24, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946



CANADA

TREATY SERIES, 1946
No. 30

AGREEMENT
BETWEEN
CANADA AND THE UNITED KINGDOM
FOR THE
PURCHASE OF CANADIAN WHEAT

Signed at Ottawa, July 24, 1946

In Force July 24, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

AGREEMENT BETWEEN CANADA AND THE UNITED KINGDOM FOR THE PURCHASE OF CANADIAN WHEAT

Signed at Ottawa, July 24, 1946

The Government of Canada and the Government of the United Kingdom, recognising that their mutual interest in the maintenance of reasonable prices and adequate supplies of wheat for consumers and of steady and remunerative prices for producers can best be met by international co-operation in the expansion of world trade and employment, have entered into the following arrangements designed to ensure a measure of security in the supply and of stability in the price of wheat supplied by Canada to the United Kingdom:—

1. (a) The United Kingdom Government undertakes to purchase and the Canadian Government undertakes to sell the following quantities of Canadian wheat, which quantities include wheat to be processed into flour for sale to the United Kingdom Government:

- (i) within the crop year 1946-47, 160,000,000 bushels;
- (ii) within the crop year 1947-48, 160,000,000 bushels;
- (iii) within the crop year 1948-49, 140,000,000 bushels;
- (iv) within the crop year 1949-50, 140,000,000 bushels.

A bushel shall be of the weight of 60 pounds avoirdupois.

(b) In the event of the United Kingdom requiring from Canada any additional quantities of wheat that the Canadian Government is prepared to make available, such additional quantities which the Canadian Government offers and the United Kingdom Government accepts shall in all respects be subject to the provisions of this Agreement.

(c) Of the total quantity of wheat specified above for each crop year, the United Kingdom Government agrees to take the following quantity in long tons in the form of flour:

1946-47	500,000 tons as a minimum, with an additional quantity not exceeding 140,000 tons to be determined by negotiations in the light of the out-turn of the crop.
1947-48	400,000 tons as a minimum, with an additional quantity not exceeding 140,000 tons to be determined by negotiations in the light of the out-turn of the crop.
1948-49	300,000 tons as a minimum, the actual tonnage to be negotiated by the 1st July, 1947.
1949-50	300,000 tons as a minimum, the actual tonnage to be negotiated by the 1st July, 1948.

(d) The rate and place of deliveries of wheat and flour shall be determined from time to time by mutual agreement.

2. (a) The prices per bushel to be paid by the United Kingdom Government to the Canadian Government, on the basis Number One Manitoba Northern, in store Fort William/Port Arthur, Vancouver, or Churchill, shall be as follows:—

- (i) In respect of wheat bought and sold in the crop year 1946-47, \$1.55.
- (ii) In respect of wheat bought and sold in the crop year 1947-48, \$1.55.
- (iii) In respect of wheat bought and sold in the crop year 1948-49, not less than \$1.25.
- (iv) In respect of wheat bought and sold in the crop year 1949-50, not less than \$1.00.

(b) The actual prices to be paid for wheat to be bought and sold within the crop year 1948-49 shall be negotiated and settled between the United Kingdom Government and the Canadian Government not later than the 31st December, 1947, and prices for wheat to be bought and sold within the crop year 1949-50 shall be negotiated and settled not later than the 31st December, 1948. In determining the prices for these two crop years, 1948-49 and 1949-50, the United Kingdom Government will have regard to any difference between the prices paid under this Agreement in the 1946-47 and 1947-48 crop years and the world prices for wheat in the 1946-47 and 1947-48 crop years.

(c) The prices to be paid for grades other than Number One Manitoba Northern to be delivered under this Agreement shall be determined yearly in consultation between the United Kingdom Government and the Canadian Government.

(d) In addition to the prices detailed in Section (a) of this Article, the United Kingdom Government undertakes to pay such carrying and forwarding charges as may be mutually arranged.

(e) Payment shall be made in full in Canadian funds at par Winnipeg by the United Kingdom Payments Office against presentation of completed statements of claim or otherwise as may be mutually agreed.

3. It is agreed that the United Kingdom Government may sell or dispose of the wheat and flour purchased under this Agreement in whatsoever manner the United Kingdom Government may deem expedient both in regard to destination and price.

4. (a) The Canadian Government will use its best endeavours to arrange that the quantities of wheat set out in Article 1 (a) shall at all times be available and at the disposal of the United Kingdom Government within the stipulated dates and in accordance with the rates and places of delivery determined under Section (d) of Article 1 of this Agreement.

(b) The United Kingdom Government will use its best endeavours to arrange for the provision of the required ocean tonnage within the stipulated dates and in accordance with the rates and places of delivery determined under Section (d) of Article 1 of this Agreement.

5. It is agreed that the detailed terms and conditions relating to such matters as carrying and forwarding charges, grades, routeing of shipments and all other matters incidental to the fulfilment of this Agreement shall be discussed and settled from time to time and incorporated in documents to form annexures to this Agreement.

6. It is mutually understood that matters arising from, or incidental to, the operation of this Agreement may at the instance of either party become subjects of discussion between the parties to this Agreement.

7. Having in mind the general purposes which this Agreement is designed to serve, the two Governments have agreed that its terms and conditions shall be subject to any modification or amendment which may be necessary to bring it into conformity with any international agreements or arrangements hereafter entered into to which both Governments are parties.

Done in duplicate, in Ottawa, on the twenty-fourth day of July, 1946.

For the Government of Canada:
JAS. A. MACKINNON.

For the Government of the United Kingdom:
P. A. CLUTTERBUCK.

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CANADA

TREATY SERIES, 1946

No. 31

EXCHANGE OF NOTES

(July 11 and 15, 1946)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

CONCERNING

THE DISPOSAL OF WAR SURPLUSES

AND RELATED MATTERS



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946

CANADA

TREATY SERIES, 1946

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OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

1946

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**EXCHANGE OF NOTES (JULY 11 AND 15, 1946) BETWEEN CANADA
AND THE UNITED STATES OF AMERICA CONCERNING THE DIS-
POSAL OF WAR SURPLUSES AND RELATED MATTERS.**

I

*The Secretary of State for External Affairs of Canada to the Chargé d'Affaires
ad interim of the United States of America in Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

Ottawa, July 11, 1946.

No. 94

SIR,

I have the honour to refer to my note No. 44 of March 30 and your reply of the same date placing on record the understanding arrived at between our two Governments on the subject of war surpluses and related matters.*

2. As the result of subsequent discussions between officials of our two Governments, I have the honour to propose that this understanding be clarified by the addition of a proviso to paragraph 7 (b) of my note under reference so that it will read as follows:

(b) (i) Combat type aircraft left by the United States Government in Canada will be transferred to Canadian account for salvage without further reimbursement to the United States Government, subject to the proviso that should the Canadian Government wish to purchase any combat type aircraft for their own use then these may be so purchased by the Canadian Government, provided that appropriate reimbursement will be made to the United States Government by the Canadian Government and further provided that when such combat type aircraft are transferred to the Canadian Government, an additional payment of 5 per cent of the sale price of the aircraft will be paid to provide reimbursement for any combat type spare parts and accessories which may be used by the Canadian Government, in accordance with paragraph (ii) below.

(ii) All other combat type parts and accessories will be salvaged or may be transferred to the Canadian Government for their own use without reimbursement to the U.S. Government except as provided in paragraph 1 above.

3. If the foregoing is acceptable to the Government of the United States, this note and your reply thereto shall be regarded as revising the understanding contained in the exchange of notes of March 30th.

Accept, Sir, the renewed assurances of my highest consideration.

W. L. MACKENZIE KING,
Secretary of State for External Affairs.

*See Canada Treaty Series, 1946, No. 12.

II

*The Chargé d'Affaires ad interim of the United States to the Secretary of State
for External Affairs of Canada*

EMBASSY OF THE UNITED STATES OF AMERICA

Ottawa, July 15, 1946.

No. 535

SIR,

I have the honour to acknowledge the receipt of your note, No. 94 of July 11, 1946, concerning war surpluses and related matters, and to confirm that the additional proviso to paragraph 7 (b) of your note No. 44 of March 30, outlined therein, is acceptable to my Government.

It is also agreeable to my Government that your note and this reply shall be regarded as revising the understanding contained in the exchange of notes of March 30, 1946.

Accept, Sir, the renewed assurances of my highest consideration.

LEWIS CLARK,
Chargé d'Affaires ad interim.

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CANADA

TREATY SERIES, 1946

No. 32

ACTS

OF THE

INTERNATIONAL HEALTH CONFERENCE

Held at New York from June 19 to July 22, 1946

RECUEIL DES TRAITÉS 1946

N° 32

ACTES

DE LA

CONFÉRENCE INTERNATIONALE DE LA SANTÉ

Tenue à New-York du 19 juin au 22 juillet 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948



Price, 25 cents.

CANADA

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OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY

1948

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**ACTS
OF THE INTERNATIONAL HEALTH CONFERENCE
HELD AT NEW YORK FROM JUNE 19 TO JULY 22, 1946**

I

**FINAL ACT
OF THE INTERNATIONAL HEALTH CONFERENCE**

The International Health Conference for the establishment of an international health organization was convened by the Economic and Social Council of the United Nations by the following resolution of 15 February, 1946:—

“The Economic and Social Council, taking note of the declaration proposed jointly by the delegations of Brazil and China at San Francisco, which was unanimously approved, regarding an International Health Conference, and recognizing the urgent need for international action in the field of public health,

1. decides to call an international conference to consider the scope of, and the appropriate machinery for, international action in the field of public health and proposals for the establishment of a single international health organization of the United Nations;

2. urges the Members of the United Nations to send as representatives to this conference experts in public health;

3. establishes a Technical Preparatory Committee to prepare a draft annotated agenda and proposals for the consideration of the Conference, and appoints the following experts or their alternates to constitute the Committee:

1. Dr. Gregorio Bermann (Argentina)
2. Dr. René Sand (Belgium)
3. Dr. Geraldo H. de Paula Souza (Brazil)
4. Major-General G. B. Chisholm (Canada)
5. Dr. P. Z. King (China)
(alternate: Dr. Szeming Sze)
6. Dr. Josef Cancik (Czechoslovakia)
7. Dr. Aly Tewfik Shousha Pasha (Egypt)
8. Dr. A. Cavaillon (France)
(alternate: Dr. Leclainche)
9. Dr. Kopanaris (Greece)
10. Major C. Mani (India)
(alternate: Dr. Chuni Lal Katial)
11. Dr. Manuel Martinez Baez (Mexico)
12. Dr. Karl Evang (Norway)
13. Dr. Martin Kacprzak (Poland)
14. Sir Wilson Jameson (United Kingdom)
(alternate: Dr. Melville Mackenzie)
15. Surgeon-General Thomas Parran (United States of America)
(alternate: Dr. James A. Doull)
16. Dr. Andrija Stampar (Yugoslavia)

**ACTES
DE LA CONFÉRENCE INTERNATIONALE DE LA SANTÉ
TENUE À NEW-YORK DU 19 JUIN AU 22 JUILLET 1946**

I

**ACTE FINAL
DE LA CONFÉRENCE INTERNATIONALE DE LA SANTÉ**

La Conférence Internationale de la Santé, chargée d'établir une Organisation Internationale de la Santé, a été convoquée par le Conseil Economique et Social des Nations Unies par une résolution du 15 février 1946, ainsi conçue:

“Le Conseil Economique et social, prenant acte de la déclaration, proposée conjointement par les délégations du Brésil et de la Chine à San Francisco et approuvée à l'unanimité, concernant une conférence internationale de la santé publique, et considérant qu'une action internationale s'impose d'urgence dans le domaine de la santé publique.

1) décide de convoquer une conférence internationale chargée d'étudier l'étendue et le mécanisme de l'action internationale à entreprendre dans le domaine de la santé publique ainsi que des propositions visant la création d'une organisation internationale unique des Nations Unies pour la santé publique;

2) prie les Membres des Nations Unies de se faire représenter à la Conférence par des experts en matière de santé publique;

3) constitue une Commission technique préparatoire chargée d'étudier un ordre du jour et des propositions à soumettre à l'examen de la Conférence, et nomme, pour former cette Commission, les experts ci-après désignés, ou leurs suppléants:

1. Dr Gregorio Bermann (Argentine)
2. Dr René Sand (Belgique)
3. Dr Geraldo H. de Paula Souza (Brésil)
4. Major Général G. B. Chisholm (Canada)
5. Dr P. Z. King (Chine)
(suppléant: Dr Szeming Sze)
6. Dr Joseph Cancik (Tchécoslovaquie)
7. Dr Aly Towfik Shousha Pacha (Egypte)
8. Dr A. Cavaillon (France)
(suppléant: Dr Leclainche)
9. Dr Kopanaris (Grèce)
10. Major C. Mani (Inde)
(suppléant: Dr Chuni Lal Katial)
11. Dr Manuel Martinez Baez (Mexique)
12. Dr Karl Evang (Norvège)
13. Dr Martin Kacprzak (Pologne)
14. Sir Wilson Jameson (Royaume-Uni)
(suppléant: Dr Melville Mackenzie)
15. Médecin Général Thomas Parran (Etats-Unis d'Amérique)
(suppléant: Dr James A. Doull)
16. Dr Andrija Stampar (Yougoslavie)

and, in a consultative capacity, representatives of:

The Pan-American Sanitary Bureau,
L'Office International d'Hygiène Publique,

The League of Nations Health Organization, and the
 United Nations Relief and Rehabilitation Administration;

4. directs the Technical Preparatory Committee to meet in Paris not later than 15 March, 1946, and to submit its report, including the draft annotated agenda and proposals, to the Members of the United Nations and to the Council not later than 1 May, 1946;

5. decides that any observations it may make at its second session on the report of the Technical Preparatory Committee will be communicated to the proposed International Conference;

6. instructs the Secretary-General to call the Conference not later than 20 June, 1946, and, in consultation with the President of the Council, to select the place of meeting."

A Declaration for the calling of an International Health Conference was unanimously approved at the United Nations Conference on International Organization at San Francisco.

The International Health Conference met in the City of New York from 19 June to 22 July, 1946.

The Governments of the following States were represented at the Conference by delegates:

Argentina	El Salvador	Panama
Australia	Ethiopia	Paraguay
Belgium	France	Peru
Bolivia	Greece	Philippine Republic
Brazil	Guatemala	Poland
Byelorussian Soviet Socialist Republic	Haiti	Saudi Arabia
Canada	Honduras	Syria
Chile	India	Turkey
China	Iran	Ukrainian Soviet Socialist Republic
Colombia	Iraq	Union of Soviet Socialist Republics
Costa Rica	Lebanon	Union of Soviet Socialist Republics
Cuba	Liberia	United Kingdom
Czechoslovakia	Luxemburg	United States of America
Denmark	Mexico	United States of America
Dominican Republic	Netherlands	Uruguay
Ecuador	New Zealand	Venezuela
Egypt	Nicaragua	Yugoslavia
	Norway	

The Governments of the following States were represented by observers:

Albania	Hungary	Sweden
Austria	Iceland	Switzerland
Bulgaria	Italy	Transjordan
Eire	Portugal	
Finland	Siam	

The Governments of the following States were invited to send observers, but were not represented:

Afghanistan
Rumania
Yemen

et, à titre consultatif les représentants:

du Pan-American Sanitary Bureau,
de l'Office International d'Hygiène Publique,
de l'Organisation d'Hygiène de la Société des Nations, et
de l'United Nations Relief and Rehabilitation Administration.

(4) invite la Commission technique préparatoire à se réunir à Paris, le 15 mars 1946 au plus tard et à soumettre son rapport (comportant l'ordre du jour annoté) ainsi que des propositions aux Membres des Nations Unies et au Conseil le 1er mai 1946 au plus tard

(5) décide que toutes observations qu'il pourra formuler, au cours de sa deuxième session, sur le rapport de la Commission technique préparatoire, seront communiquées à la Conférence internationale envisagée.

(6) charge le Secrétaire général de convoquer la Conférence le 20 juin 1946 au plus tard et de choisir le lieu de réunion en consultation avec le Président du Conseil."

Une déclaration convoquant la Conférence Internationale de la Santé a été unanimement approuvée à la Conférence des Nations Unies sur l'Organisation internationale de San Francisco.

La Conférence Internationale de la Santé s'est tenue dans la ville de New-York du 19 juin au 22 juillet 1946.

Les Gouvernements des Etats ci-après désignés étaient représentés à la Conférence par des délégués:

Arabie saoudite	Guatémala	Pologne
Argentine	Haïti	Royaume-Uni
Australie	Honduras	République dominicaine
Belgique	Inde	République Socialiste
Bolivie	Iran	Soviétique de
Brésil	Irak	Biélorussie
Canada	Liban	République Socialiste
Chili	Libéria	Soviétique d'Ukraine
Chine	Luxembourg	Salvador
Colombie	Mexique	Syrie
Costa Rica	Nicaragua	Tchécoslovaquie
Cuba	Norvège	Turquie
Danemark	Nouvelle-Zélande	Union Sud-africaine
Equateur	Panama	Union des Républiques
Egypte	Paraguay	Socialistes Soviétiques
Etats-Unis d'Amérique	Pays-Bas	Uruguay
Ethiopie	Pérou	Venezuela
France	République des	Yougoslavie
Grèce	Philippines	

Les Gouvernements des pays suivants étaient représentés par des observateurs:

Albanie	Hongrie	Siam
Autriche	Islande	Suède
Bulgarie	Italie	Suisse
Eire	Portugal	Transjordanie
Finlande		

Les Gouvernements des pays suivants avaient été invités à envoyer des observateurs, mais n'ont pas été représentés:

Afghanistan
Roumanie
Yemen

The Allied Control Authorities for Germany, Japan and Korea were represented by observers.

The following international organizations were represented by observers:

Food and Agriculture Organization of the United Nations,
International Labour Organization,
League of Red Cross Societies,
Office International d'Hygiène Publique,
Pan-American Sanitary Bureau,
Provisional International Civil Aviation Organization,
The Rockefeller Foundation,
United Nations Educational, Scientific and Cultural Organization,
United Nations Relief and Rehabilitation Administration,
World Federation of Trades Unions.

The Conference had before it and used as the basis of discussion Proposals for the Constitution of the World Health Organization and the Resolutions adopted by the Technical Preparatory Committee of Experts. The Committee was established in accordance with the resolution of the Economic and Social Council, dated 15 February, 1946. A number of proposals put forward by governments and various organizations was also before the Conference.

As a result of the deliberations of the Conference as recorded in the minutes and reports of the respective committees and sub-committees and of the plenary sessions, the following instruments were drawn up and separately signed:

Constitution of the World Health Organization,
Arrangement for the Establishment of an Interim Commission of the
World Health Organization,
Protocol Concerning the *Office International d'Hygiène Publique*.

The Conference adopted the following resolution:

"The Conference notes with gratification the steps already taken by the Secretary-General of the United Nations to provide temporary machinery for carrying on the remaining activities of the League of Nations Health Organization, as recommended in Resolution V of the Technical Preparatory Committee on 5 April, 1946, and requests the Secretary-General of the United Nations, in order to avoid duplication of functions, to make the necessary arrangements for transferring to the Interim Commission of the World Health Organization as soon as possible such functions of the League of Nations Health Organization as have been assumed by the United Nations."

IN WITNESS WHEREOF the undersigned delegates sign this Final Act.

DONE in the City of New York this twenty-second day of July, 1946, in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. The original texts shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations will send certified copies to each of the governments represented at the Conference.

Les autorités alliées de contrôle pour l'Allemagne, le Japon et la Corée étaient représentées par des observateurs.

Les organisations internationales suivantes étaient représentées par des observateurs:

Organisation de l'Alimentation et de l'Agriculture

Organisation Internationale du Travail

Ligue des Sociétés de Croix-Rouge

Office International d'Hygiène Publique

Bureau Sanitaire Pan-Américain

Organisation Internationale Provisoire de l'Aviation Civile

Fondation Rockefeller

Organisation des Nations Unies pour l'Education, la Science et la Culture

Administration des Nations Unies de Secours et de Restauration

Fédération Mondiale des Syndicats

La Conférence avait à sa disposition et a utilisé comme base de discussion les Propositions en vue de la Constitution de l'Organisation Mondiale de la Santé et les Résolutions adoptées par la Commission Préparatoire Technique des Experts. La Commission avait été instituée conformément à la Résolution du Conseil Economique et Social du 15 février 1946. La Conférence a été également saisie d'un certain nombre de propositions soumises par des Gouvernements et diverses organisations.

Des délibérations de la Conférence, enregistrées dans les minutes et les rapports des commissions et sous-commissions respectives, ainsi que dans ceux des sessions plénières, sont issus les instruments ci-après qui ont été signés séparément;

La Constitution de l'Organisation Mondiale de la Santé

L'Arrangement pour l'Etablissement d'une Commission intérimaire de l'Organisation Mondiale de la Santé

Le Protocole relatif à l'Office International d'Hygiène Publique.

La Conférence a adopté la résolution suivante:

"La Conférence a pris acte avec satisfaction des démarches déjà faites par le Secrétaire Général des Nations Unies en vue d'assurer les moyens nécessaires permettant la continuation des activités demeurant à la charge de l'Organisation d'Hygiène de la Société des Nations, comme cela a été recommandé par la Résolution V de la Commission préparatoire technique du 5 avril 1946, et demande au Secrétaire Général des Nations Unies, en vue d'éviter le double emploi dans les fonctions, de prendre les dispositions nécessaires pour transférer à la Commission intérimaire de l'Organisation Mondiale de la Santé, dès que possible, ces fonctions de l'Organisation d'Hygiène de la Société des Nations qui ont été assumées par les Nations Unies".

EN FOI DE QUOI les délégués soussignés, signent le présent acte final.

FAIT en la Ville de New-York ce vingt-deux juillet 1946 en un seul original en langues anglaise, chinoise, espagnole, française et russe, chaque texte étant également authentique. Les textes originaux seront déposés dans les archives des Nations Unies. Le Secrétaire Général des Nations Unies enverra des copies certifiées conformes à chacun des Gouvernements représentés à la Conférence.

(Here follow the names of the delegates of Argentina, Australia, Belgium, Bolivia, Brazil, the Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, the Republic of the Philippines, Saudi Arabia, Syria, Turkey, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics (subject to ratification by the Presidium of the Supreme Council of the U.S.S.R.), the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela (ad referendum), Yugoslavia and of the observers for Albania, Austria, Bulgaria, Eire, Finland, Italy, Portugal, Siam, Switzerland, Transjordan.)

(Suivent les noms des délégués de l'Argentine, l'Australie, la Belgique, la Bolivie, le Brésil, la République Soviétique de Biélorussie, le Canada, le Chili, la Chine, la Colombie, le Costa Rica, Cuba, la Tchécoslovaquie, le Danemark, la République Dominicaine, l'Equateur, l'Egypte, El Salvador, l'Ethiopie, la France, la Grèce, le Guatemala, Haïti, le Honduras, l'Inde, l'Iran, l'Irak, le Liban, le Libéria, le Luxembourg, le Mexique, les Pays-Bas, la Nouvelle-Zélande, le Nicaragua, la Norvège, le Panama, le Paraguay, le Pérou, la Pologne, les Philippines, l'Arabie Saoudite, la Syrie, la Turquie, la République Soviétique Socialiste d'Ukraine, l'Union des Républiques Socialistes Soviétiques, (sous réserve de ratification par le Présidium du Conseil Suprême de l'URSS), l'Union Sud-Africaine, le Royaume-Uni de la Grande-Bretagne et d'Irlande du Nord, les Etats-Unis d'Amérique, l'Uruguay, le Venezuela (ad referendum), la Yougoslavie et des observateurs pour l'Albanie, l'Autriche, la Bulgarie, l'Irlande, la Finlande, l'Italie, le Portugal, le Siam, la Suisse, le Transjordan).

II

CONSTITUTION OF THE WORLD HEALTH ORGANIZATION*

THE STATES parties to this Constitution declare, in conformity with the Charter of the United Nations, that the following principles are basic to the happiness, harmonious relations and security of all peoples:—

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.

The health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest co-operation of individuals and States.

The achievement of any State in the promotion and protection of health is of value to all.

Unequal development in different countries in the promotion of health and control of disease, especially communicable disease, is a common danger.

Healthy development of the child is of basic importance; the ability to live harmoniously in a changing total environment is essential to such development.

The extension to all peoples of the benefits of medical, psychological and related knowledge is essential to the fullest attainment of health.

Informed opinion and active co-operation on the part of the public are of the utmost importance in the improvement of the health of the people.

Governments have a responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures.

ACCEPTING THESE PRINCIPLES, and for the purpose of co-operation among themselves and with others to promote and protect the health of all peoples, the Contracting Parties agree to the present Constitution and hereby establish the World Health Organization as a specialized agency within the terms of Article 57 of the Charter of the United Nations.

CHAPTER I

OBJECTIVE

Article 1

The objective of the World Health Organization (hereinafter called the Organization) shall be the attainment by all peoples of the highest possible level of health.

* The Canadian instrument of acceptance of the Constitution was deposited on August 29, 1946.

II

CONSTITUTION DE L'ORGANISATION MONDIALE DE LA SANTÉ*

LES ÉTATS parties à cette Constitution déclarent, en accord avec la Charte des Nations Unies, que les principes suivants sont à la base du bonheur des peuples, de leurs relations harmonieuses et de leur sécurité:

La santé est un état de complet bien-être physique, mental et social, et ne consiste pas seulement en une absence de maladie ou d'infirmité.

La possession du meilleur état de santé qu'il est capable d'atteindre constitue l'un des droits fondamentaux de tout être humain, quelles que soient sa race, sa religion, ses opinions politiques, sa condition économique ou sociale.

La santé de tous les peuples est une condition fondamentale de la paix du monde et de la sécurité; elle dépend de la coopération la plus étroite des individus et des Etats.

Les résultats atteints par chaque Etat dans l'amélioration et la protection de la santé sont précieux pour tous.

L'inégalité des divers pays en ce qui concerne l'amélioration de la santé et la lutte contre les maladies, en particulier les maladies transmissibles, est un péril pour tous.

Le développement sain de l'enfant est d'une importance fondamentale; l'aptitude à vivre en harmonie avec un milieu en pleine transformation est essentielle à ce développement.

L'admission de tous les peuples au bénéfice des connaissances acquises par les sciences médicales, psychologiques et apparentées est essentielle pour atteindre le plus haut degré de santé.

Une opinion publique éclairée et une coopération active de la part du public sont d'une importance capitale pour l'amélioration de la santé des populations.

Les Gouvernements ont la responsabilité de la santé de leurs peuples; ils ne peuvent y faire face qu'en prenant les mesures sanitaires et sociales appropriées.

ACCEPTANT CES PRINCIPES, dans le but de coopérer entre elles et avec tous autres pour améliorer et protéger la santé de tous les peuples, les Parties contractantes acquiescent à ladite Constitution et établissent par les présentes l'Organisation Mondiale de la Santé comme une institution spécialisée aux termes de l'article 57 de la Charte des Nations Unies.

CHAPITRE I

BUT

Article Premier

Le but de l'Organisation Mondiale de la Santé, (ci-après dénommée l'Organisation), est d'amener tous les peuples au niveau de santé le plus élevé possible.

* L'instrument d'acceptation de la Constitution par le Canada a été déposé le 29 août 1946.

CHAPTER II

FUNCTIONS

Article 2

In order to achieve its objective, the functions of the Organization shall be:

- (a) to act as the directing and co-ordinating authority on international health work;
- (b) to establish and maintain effective collaboration with the United Nations, specialized agencies, governmental health administrations, professional groups and such other organizations as may be deemed appropriate;
- (c) to assist governments, upon request, in strengthening health services;
- (d) to furnish appropriate technical assistance and, in emergencies, necessary aid upon the request or acceptance of governments;
- (e) to provide or assist in providing, upon the request of the United Nations, health services and facilities to special groups, such as the peoples of trust territories;
- (f) to establish and maintain such administrative and technical services as may be required, including epidemiological and statistical services;
- (g) to stimulate and advance work to eradicate epidemic, endemic and other diseases;
- (h) to promote, in co-operation with other specialized agencies where necessary, the prevention of accidental injuries;
- (i) to promote, in co-operation with other specialized agencies where necessary, the improvement of nutrition, housing, sanitation, recreation, economic or working conditions and other aspects of environmental hygiene;
- (j) to promote co-operation among scientific and professional groups which contribute to the advancement of health;
- (k) to propose conventions, agreements and regulations and make recommendations with respect to international health matters and to perform such duties as may be assigned thereby to the Organization and are consistent with its objective;
- (l) to promote maternal and child health and welfare and to foster the ability to live harmoniously in a changing total environment;
- (m) to foster activities in the field of mental health, especially those affecting the harmony of human relations;
- (n) to promote and conduct research in the field of health;
- (o) to promote improved standards of teaching and training in the health, medical and related professions;
- (p) to study and report on, in co-operation with other specialized agencies where necessary, administrative and social techniques affecting public health and medical care from preventive and curative points of view, including hospital services and social security;
- (q) to provide information, counsel and assistance in the field of health;
- (r) to assist in developing an informed public opinion among all peoples on matters of health;
- (s) to establish and revise as necessary international nomenclatures of diseases, of causes of death and of public health practices;

CHAPITRE II

FONCTIONS

Article 2

L'Organisation, pour atteindre son but, exerce les fonctions suivantes:

- a) agir en tant qu'autorité directrice et coordinatrice dans le domaine de la santé des travaux ayant un caractère international;
- b) établir et maintenir une collaboration effective avec les Nations Unies, les institutions spécialisées, les administrations gouvernementales de la santé, les groupes professionnels, ainsi que telles autres organisations qui paraîtraient indiquées;
- c) aider les Gouvernements, sur leur demande, à renforcer leurs services de santé;
- d) fournir l'assistance technique appropriée et, dans les cas d'urgence, l'aide nécessaire, à la requête des Gouvernements ou sur leur acceptation;
- e) fournir ou aider à fournir, à la requête des Nations Unies, des services sanitaires et des secours à des groupements spéciaux tels que les populations des territoires sous tutelle;
- f) établir et entretenir tels services administratifs et techniques jugés nécessaires, y compris des services d'épidémiologie et de statistique;
- g) stimuler et faire progresser l'action tendant à la suppression des maladies épidémiques, endémiques et autres;
- h) stimuler, en coopérant au besoin avec d'autres institutions spécialisées, l'adoption de mesures propres à prévenir les dommages dus aux accidents;
- i) favoriser, en coopérant au besoin avec d'autres institutions spécialisées, l'amélioration de la nutrition, du logement, de l'assainissement, des loisirs, des conditions économiques et de travail, ainsi que de tous autres facteurs de l'hygiène du milieu;
- j) favoriser la coopération entre les groupes scientifiques et professionnels qui contribuent au progrès de la santé;
- k) proposer des conventions, accords et règlements, faire des recommandations concernant les questions internationales de santé et exécuter telles tâches pouvant être assignées de ce fait à l'Organisation et répondant à son but;
- l) faire progresser l'action en faveur de la santé et du bien-être de la mère et de l'enfant et favoriser leur aptitude à vivre en harmonie avec un milieu en pleine transformation;
- m) favoriser toutes activités dans le domaine de l'hygiène mentale, notamment celles se rapportant à l'établissement de relations harmonieuses entre les hommes;
- n) stimuler et guider la recherche dans le domaine de la santé;
- o) favoriser l'amélioration des normes de l'enseignement et celles de la formation du personnel sanitaire, médical et apparenté;
- p) étudier et faire connaître, en coopération au besoin avec d'autres institutions spécialisées, les techniques administratives et sociales concernant l'hygiène publique et les soins médicaux préventifs et curatifs, y compris les services hospitaliers et la sécurité sociale;
- q) fournir toutes informations, donner tous conseils et toute assistance dans le domaine de la santé;
- r) aider à former, parmi les peuples, une opinion publique éclairée en ce qui concerne la santé;
- s) établir et réviser, selon les besoins, la nomenclature internationale des maladies, des causes de décès et des méthodes d'hygiène publique;

- (t) to standardize diagnostic procedures as necessary;
- (u) to develop, establish and promote international standards with respect to food, biological, pharmaceutical and similar products;
- (v) generally to take all necessary action to attain the objective of the Organization.

CHAPTER III

MEMBERSHIP AND ASSOCIATE MEMBERSHIP

Article 3

Membership in the Organization shall be open to all States.

Article 4

Members of the United Nations may become Members of the Organization by signing or otherwise accepting this Constitution in accordance with the provisions of Chapter XIX and in accordance with their constitutional processes.

Article 5

The States whose governments have been invited to send observers to the International Health Conference held in New York, 1946, may become Members by signing or otherwise accepting this Constitution in accordance with the provisions of Chapter XIX and in accordance with their constitutional processes provided that such signature or acceptance shall be completed before the first session of the Health Assembly.

Article 6

Subject to the conditions of any agreement between the United Nations and the Organization, approved pursuant to Chapter XVI, States which do not become Members in accordance with Articles 4 and 5 may apply to become Members and shall be admitted as Members when their application has been approved by a simple majority vote of the Health Assembly.

Article 7

If a Member fails to meet its financial obligations to the Organization or in other exceptional circumstances the Health Assembly may, on such conditions as it thinks proper, suspend the voting privileges and services to which a Member is entitled. The Health Assembly shall have the authority to restore such voting privileges and services.

Article 8

Territories or groups of territories which are not responsible for the conduct of their international relations may be admitted as Associate Members by the Health Assembly upon application made on behalf of such territory or group of territories by the Member or other authority having responsibility for their international relations. Representatives of Associate Members to the Health Assembly should be qualified by their technical competence in the field of health and should be chosen from the native population. The nature and extent of the rights and obligations of Associate Members shall be determined by the Health Assembly.

- t) standardiser, dans la mesure où cela est nécessaire, les méthodes de diagnostic;
- u) développer, établir et encourager l'adoption de normes internationales en ce qui concerne les aliments, les produits biologiques, pharmaceutiques et similaires;
- v) d'une manière générale, prendre toute mesure nécessaire pour atteindre le but assigné à l'Organisation.

CHAPITRE III

MEMBRES ET MEMBRES ASSOCIÉS

Article 3

La qualité de membre de l'Organisation est accessible à tous les Etats.

Article 4

Les Etats Membres des Nations Unies peuvent devenir membres de l'Organisation en signant, ou en acceptant de toute autre manière, cette Constitution, conformément aux dispositions du Chapitre XIX et conformément à leurs règles constitutionnelles.

Article 5

Les Etats dont les Gouvernements ont été invités à envoyer des observateurs à la Conférence Internationale de la Santé, tenue à New-York en 1946, peuvent devenir membres en signant, ou en acceptant de toute autre manière cette Constitution, conformément aux dispositions du Chapitre XIX et conformément à leurs règles constitutionnelles, pourvu que leur signature ou acceptation devienne définitive avant la première session de l'Assemblée de la Santé.

Article 6

Sous réserve des conditions de tout accord à intervenir entre les Nations Unies et l'Organisation et qui sera approuvé conformément au Chapitre XVI, les Etats qui ne deviennent pas membres, conformément aux dispositions des articles 4 et 5, peuvent demander à devenir membres et seront admis en cette qualité, lorsque leur demande aura été approuvée à la majorité simple par l'Assemblée de la Santé.

Article 7

Lorsqu'un Etat Membre ne remplit pas ses obligations financières vis-à-vis de l'Organisation, ou dans d'autres circonstances exceptionnelles, l'Assemblée de la Santé peut, aux conditions jugées par elle opportunes, suspendre les priviléges attachés au droit de vote et les services dont bénéficie l'Etat Membre. L'Assemblée de la Santé aura pouvoir de rétablir ces priviléges afférents au droit de vote et ces services.

Article 8

Les territoires ou groupes de territoires n'ayant pas la responsabilité de la conduite de leurs relations internationales peuvent être admis en qualité de membres associés par l'Assemblée de la Santé, sur la demande faite pour le compte d'un tel territoire ou groupe de territoires par l'Etat Membre ou par une autre autorité ayant la responsabilité de la conduite de leurs relations internationales. Les représentants des membres associés à l'Assemblée de la Santé devraient être qualifiés par leur compétence technique dans le domaine de santé et devraient être choisis dans la population indigène.

La nature et l'étendue des droits et obligations des membres associés seront déterminées par l'Assemblée de la Santé.

CHAPTER IV

ORGANS

Article 9

The work of the Organization shall be carried out by:

- (a) The World Health Assembly (herein called the Health Assembly);
- (b) The Executive Board (hereinafter called the Board);
- (c) The Secretariat.

CHAPTER V

THE WORLD HEALTH ASSEMBLY

Article 10

The Health Assembly shall be composed of delegates representing Members.

Article 11

Each Member shall be represented by not more than three delegates, one of whom shall be designated by the Member as chief delegate. These delegates should be chosen from among persons most qualified by their technical competence in the field of health, preferably representing the national health administration of the Member.

Article 12

Alternates and advisers may accompany delegates.

Article 13

The Health Assembly shall meet in regular annual session and in such special sessions as may be necessary. Special sessions shall be convened at the request of the Board or of a majority of the Members.

Article 14

The Health Assembly, at each annual session, shall select the country or region in which the next annual session shall be held, the Board subsequently fixing the place. The Board shall determine the place where a special session shall be held.

Article 15

The Board, after consultation with the Secretary-General of the United Nations, shall determine the date of each annual and special session.

Article 16

The Health Assembly shall elect its president and other officers at the beginning of each annual session. They shall hold office until their successors are elected.

Article 17

The Health Assembly shall adopt its own rules of procedure.

Article 18

The functions of the Health Assembly shall be:

- (a) to determine the policies of the Organization;
- (b) to name the Members entitled to designate a person to serve on the Board;
- (c) to appoint the Director-General;

CHAPITRE IV

ORGANES

Article 9

Le fonctionnement de l'Organisation est assuré par:

- a) l'Assemblée Mondiale de la Santé (ci-après dénommée Assemblée de la Santé);
- b) le Conseil Exécutif (ci-après dénommé le Conseil);
- c) le Secrétariat.

CHAPITRE V

ASSEMBLÉE MONDIALE DE LA SANTÉ

Article 10

L'Assemblée de la Santé est composée de délégués représentant les Etats Membres.

Article 11

Chaque Etat Membre est représenté par trois délégués au plus, l'un d'eux étant désigné par l'Etat Membre comme chef de délégation. Ces délégués devraient être choisis parmi les personnalités les plus qualifiées par leur compétence technique dans le domaine de la santé et qui, de préférence, représenteraient l'administration nationale de la santé de l'Etat Membre.

Article 12

Des suppléants et des conseillers sont admis à accompagner les délégués.

Article 13

L'Assemblée de la Santé se réunit en session ordinaire annuelle et en autant de sessions extraordinaires que les circonstances peuvent l'exiger. Les sessions extraordinaires seront convoquées à la demande du Conseil ou d'une majorité des Etats Membres.

Article 14

L'Assemblée de la Santé, lors de chaque session annuelle, choisit le pays ou la région dans lequel se tiendra sa prochaine session annuelle, le Conseil en fixant ultérieurement le lieu. Le Conseil détermine le lieu où se tiendra chaque session extraordinaire.

Article 15

Le Conseil, après consultation du Secrétaire Général des Nations Unies, arrête la date de chaque session annuelle et de chaque session extraordinaire.

Article 16

L'Assemblée de la Santé élit son Président et les autres membres du bureau au début de chaque session annuelle. Ils demeurent en fonctions jusqu'à l'élection de leurs successeurs.

Article 17

L'Assemblée de la Santé adopte son propre règlement.

Article 18

Les fonctions de l'Assemblée de la Santé consistent à

- a) arrêter la politique de l'Organisation;
- b) élire les Etats appelés à désigner une personnalité au Conseil;
- c) nommer le Directeur Général;

- (d) to review and approve reports and activities of the Board and of the Director-General and to instruct the Board in regard to matters upon which action, study, investigation or report may be considered desirable;
- (e) to establish such committees as may be considered necessary for the work of the Organization;
- (f) to supervise the financial policies of the Organization and to review and approve the budget;
- (g) to instruct the Board and the Director-General to bring to the attention of Members and of international organizations, governmental or non-governmental, any matter with regard to health which the Health Assembly may consider appropriate;
- (h) to invite any organization, international or national, governmental or non-governmental, which has responsibilities related to those of the Organization, to appoint representatives to participate, without right of vote, in its meetings or in those of the committees and conferences convened under its authority, on conditions prescribed by the Health Assembly; but in the case of national organizations, invitations shall be issued only with the consent of the government concerned;
- (i) to consider recommendations bearing on health made by the General Assembly, the Economic and Social Council, the Security Council or Trusteeship Council of the United Nations, and to report to them on the steps taken by the Organization to give effect to such recommendations;
- (j) to report to the Economic and Social Council in accordance with any agreement between the Organization and the United Nations;
- (k) to promote and conduct research in the field of health by the personnel of the Organization, by the establishment of its own institutions or by co-operation with official or non-official institutions of any Member with the consent of its government;
- (l) to establish such other institutions as it may consider desirable;
- (m) to take any other appropriate action to further the objective of the Organization.

Article 19

The Health Assembly shall have authority to adopt conventions or agreements with respect to any matter within the competence of the Organization. A two-thirds vote of the Health Assembly shall be required for the adoption of such conventions or agreements which shall come into force for each Member when accepted by it in accordance with its constitutional processes.

Article 20

Each Member undertakes that it will, within eighteen months after the adoption by the Health Assembly of a convention or agreement, take action relative to the acceptance of such convention or agreement. Each Member shall notify the Director-General of the action taken and if it does not accept such convention or agreement within the time limit, it will furnish a statement of the reasons for non-acceptance. In case of acceptance, each Member agrees to make an annual report to the Director-General in accordance with Chapter XIV.

Article 21

The Health Assembly shall have authority to adopt regulations concerning:

- (a) sanitary and quarantine requirements and other procedures designed to prevent the international spread of disease;

d) étudier et approuver les rapports et les activités du Conseil et du Directeur Général, donner au Conseil des instructions en des matières où certaines mesures, certaines études et recherches, ainsi que la présentation de rapports pourraient être considérées comme désirables;

e) créer toute commission nécessaire aux activités de l'Organisation;

f) contrôler la politique financière de l'Organisation, examiner et approuver son budget;

g) donner des instructions au Conseil et au Directeur Général pour appeler l'attention des Etats Membres et des organisations internationales, gouvernementales ou non gouvernementales, sur toute question concernant la santé que l'Assemblée de la Santé pourra juger digne d'être signalée;

h) inviter toute organisation internationale ou nationale, gouvernementale ou non gouvernementale, assumant des responsabilités apparentées à celles de l'Organisation, à nommer des représentants pour participer, sans droit de voté, à ses sessions ou à celles des commissions et conférences réunies sous son autorité, aux conditions prescrites par l'Assemblée de la Santé, cependant, s'il s'agit d'organisations nationales, les invitations ne pourront être envoyées qu'avec le consentement du Gouvernement intéressé;

i) étudier des recommandations ayant trait à la santé, émanant de l'Assemblée Générale, du Conseil Economique et Social, des Conseils de Sécurité ou de tutelle des Nations Unies et faire rapport à ceux-ci sur les mesures prises par l'Organisation en exécution de telles recommandations;

j) faire rapport au Conseil Economique et Social, conformément aux dispositions de tout accord intervenu entre l'Organisation et les Nations Unies;

k) encourager ou diriger tous travaux de recherches dans le domaine de la santé en utilisant le personnel de l'Organisation, ou en créant des institutions qui lui seront propres ou en coopérant avec des institutions officielles ou non officielles de chaque Etat Membre, avec le consentement de son Gouvernement;

l) créer telles autres institutions jugées souhaitables;

m) prendre toute autre mesure propre à réaliser le but de l'Organisation.

Article 19

L'Assemblée de la Santé a autorité pour adopter des conventions ou accords se rapportant à toute question rentrant dans la compétence de l'Organisation. La majorité des deux tiers de l'Assemblée de la Santé sera nécessaire pour l'adoption de ces conventions ou accords lesquels entreront en vigueur au regard de chaque Etat Membre lorsque ce dernier les aura acceptés conformément à ses règles constitutionnelles.

Article 20

Chaque Etat Membre s'engage à prendre, dans un délai de dix-huit mois après l'adoption d'une convention ou d'un accord par l'Assemblée de la Santé, les mesures en rapport avec l'acceptation de telle convention ou de tel accord. Chaque Etat Membre notifiera au Directeur Général les mesures prises et, s'il n'accepte pas cette convention ou cet accord dans le délai prescrit, il adressera une déclaration motivant sa non-acceptation. En cas d'acceptation, chaque Etat Membre convient d'adresser un rapport annuel au Directeur Général conformément au Chapitre XIV.

Article 21

L'Assemblée de la Santé aura autorité pour adopter les règlements concernant:

a) telle mesure sanitaire et de quarantaine ou toute autre procédure destinée à empêcher la propagation des maladies d'un pays à un autre;

(b) nomenclatures with respect to diseases, causes of death and public health practices;

(c) standards with respect to diagnostic procedures for international use;

(d) standards with respect to the safety, purity and potency of biological, pharmaceutical and similar products moving in international commerce;

(e) advertising and labelling of biological, pharmaceutical and similar products moving in international commerce.

Article 22

Regulations adopted pursuant to Article 21 shall come into force for all Members after due notice has been given of their adoption by the Health Assembly except for such Members as may notify the Director-General of rejection or reservations within the period stated in the notice.

Article 23

The Health Assembly shall have authority to make recommendations to Members with respect to any matter within the competence of the Organization.

CHAPTER VI

THE EXECUTIVE BOARD

Article 24

The Board shall consist of eighteen persons designated by as many Members. The Health Assembly, taking into account an equitable geographical distribution, shall elect the Members entitled to designate a person to serve on the Board. Each of these Members should appoint to the Board a person technically qualified in the field of health, who may be accompanied by alternates and advisers.

Article 25

These Members shall be elected for three years and may be re-elected; provided that of the Members elected at the first session of the Health Assembly, the terms of six Members shall be for one year and the terms of six Members shall be for two years, as determined by lot.

Article 26

The Board shall meet at least twice a year and shall determine the place of each meeting.

Article 27

The Board shall elect its Chairman from among its Members and shall adopt its own rules of procedure.

Article 28

The functions of the Board shall be:

(a) to give effect to the decisions and policies of the Health Assembly;

(b) to act as the executive organ of the Health Assembly;

(c) to perform any other functions entrusted to it by the Health Assembly;

(d) to advise the Health Assembly on questions referred to it by that body and on matters assigned to the Organization by conventions, agreements and regulations;

- b) la nomenclature concernant les maladies, les causes de décès et les méthodes d'hygiène publique;
- c) des standards sur les méthodes de diagnostic applicables dans le cadre international;
- d) des normes relatives à l'inocuité, la pureté et l'activité des produits biologiques, pharmaceutiques et similaires qui se trouvent dans le commerce international;
- e) des conditions relatives à la publicité et à la désignation des produits biologiques, pharmaceutiques et similaires qui se trouvent dans le commerce international.

Article 22

Les règlements adoptés en exécution de l'article 21 entreront en vigueur pour tous les Etats Membres, leur adoption par l'Assemblée de la Santé ayant été dûment notifiée, exception faite pour tels Membres qui pourraient faire connaître au Directeur Général, dans les délais prescrits par la notification, qu'ils les refusent ou font des réserves à leur sujet.

Article 23

L'Assemblée de la Santé a autorité pour faire des recommandations aux Etats Membres en ce qui concerne toute question entrant dans la compétence de l'Organisation.

CHAPITRE VI
CONSEIL EXÉCUTIF

Article 24

Le Conseil est composé de dix-huit personnes, désignées par autant d'Etats Membres. L'Assemblée de la Santé choisit, compte tenu d'une répartition géographique équitable, les Etats appelés à désigner un délégué au Conseil. Chacun de ces Etats enverra au Conseil une personnalité, techniquement qualifiée dans le domaine de la santé, qui pourra être accompagnée de suppléants et de conseillers.

Article 25

Ces membres sont élus pour trois ans et sont rééligibles; cependant en ce qui concerne les membres élus lors de la première session de l'Assemblée de la Santé, la durée du mandat de six de ces membres sera d'une année et la durée du mandat de six autres membres sera de deux ans, la sélection étant déterminée par tirage au sort.

Article 26

Le Conseil se réunit au moins deux fois par an et détermine le lieu de chaque réunion.

Article 27

Le Conseil élit son président parmi ses membres et adopte son propre règlement.

Article 28

Les fonctions du Conseil sont les suivantes:

- a) appliquer les décisions et les directives de l'Assemblée de la Santé;
- b) agir comme organe exécutif de l'Assemblée de la Santé;
- c) exercer toute autre fonction à lui confiée par l'Assemblée de la Santé;
- d) donner des consultations à l'Assemblée de la Santé sur les questions qui lui seraient soumises par cet organisme et sur celles qui seraient déferées à l'Organisation par des conventions, des accords et des règlements;

- (e) to submit advice or proposals to the Health Assembly on its own initiative;
- (f) to prepare the agenda of meetings of the Health Assembly;
- (g) to submit to the Health Assembly for consideration and approval a general programme of work covering a specific period;
- (h) to study all questions within its competence;
- (i) to take emergency measures within the functions and financial resources of the Organization to deal with events requiring immediate action. In particular it may authorize the Director-General to take the necessary steps to combat epidemics, to participate in the organization of health relief to victims of a calamity and to undertake studies and research the urgency of which has been drawn to the attention of the Board by any Member or by the Director-General.

Article 29

The Board shall exercise on behalf of the whole Health Assembly the powers delegated to it by that body.

CHAPTER VII

THE SECRETARIAT

Article 30

The Secretariat shall comprise the Director-General and such technical and administrative staff as the Organization may require.

Article 31

The Director-General shall be appointed by the Health Assembly on the nomination of the Board on such terms as the Health Assembly may determine. The Director-General, subject to the authority of the Board, shall be the chief technical and administrative officer of the Organization.

Article 32

The Director-General shall be ex-officio Secretary of the Health Assembly, of the Board, of all commissions and committees of the Organization and of conferences convened by it. He may delegate these functions.

Article 33

The Director-General or his representative may establish a procedure by agreement with Members, permitting him, for the purpose of discharging his duties, to have direct access to their various departments, especially to their health administrations and to national health organizations, governmental or non-governmental. He may also establish direct relations with international organizations whose activities come within the competence of the Organization. He shall keep Regional Offices informed on all matters involving their respective areas.

Article 34

The Director-General shall prepare and submit annually to the Board the financial statements and budget estimates of the Organization.

Article 35

The Director-General shall appoint the staff of the Secretariat in accordance with staff regulations established by the Health Assembly. The paramount consideration in the employment of the staff shall be to assure that the efficiency,

- e) de sa propre initiative, soumettre à l'Assemblée de la Santé des consultations ou des propositions;
- f) préparer les ordres du jour des sessions de l'Assemblée de la Santé;
- g) soumettre à l'Assemblée de la Santé, pour examen et approbation, un programme général de travail s'étendant sur une période déterminée;
- h) étudier toutes questions relevant de sa compétence;
- i) dans le cadre des fonctions et des ressources financières de l'Organisation, prendre toute mesure d'urgence dans le cas d'événements exigeant une action immédiate. Il peut en particulier autoriser le Directeur Général à prendre les moyens nécessaires pour combattre les épidémies, participer à la mise en œuvre des secours sanitaires à porter aux victimes d'une calamité et entreprendre telles études ou recherches sur l'urgence desquelles son attention aurait été attirée par un Etat quelconque ou par le Directeur Général.

Article 29

Le Conseil exerce, au nom de l'Assemblée de la Santé tout entière, les pouvoirs qui lui sont délégués par cet organisme.

CHAPITRE VII

SECRÉTARIAT

Article 30

Le Secrétariat comprend le Directeur Général et tel personnel technique et administratif nécessaire à l'Organisation.

Article 31

Le Directeur Général est nommé par l'Assemblée de la Santé, sur proposition du Conseil et suivant les conditions que l'Assemblée de la Santé pourra fixer. Le Directeur Général, placé sous l'autorité du Conseil, est le plus haut fonctionnaire technique et administratif de l'Organisation.

Article 32

Le Directeur Général est de droit Secrétaire de l'Assemblée de la Santé, du Conseil, de toute commission et de tout comité de l'Organisation, ainsi que des conférences qu'elle convoque. Il peut déléguer ces fonctions.

Article 33

Le Directeur Général, ou son représentant, peut mettre en œuvre une procédure en vertu d'un accord avec les Etats Membres, lui permettant, pour l'exercice de ses fonctions, d'entrer directement en rapport avec leurs divers départements ministériels, spécialement avec leurs administrations de la santé et avec les organisations sanitaires nationales, gouvernementales ou non. Il peut de même entrer en relations directes avec les organisations internationales dont les activités sont du ressort de l'Organisation. Il doit tenir les bureaux régionaux au courant de toutes questions intéressant leurs zones respectives d'activité.

Article 34

Le Directeur Général doit préparer et soumettre chaque année au Conseil les rapports financiers et les prévisions budgétaires de l'Organisation.

Article 35

Le Directeur Général nomme le personnel du Secrétariat conformément au Règlement du personnel établi par l'Assemblée de la Santé. La considération primordiale qui devra dominer le recrutement du personnel sera de pourvoir à ce que l'efficacité, l'intégrité et la représentation de caractère international du

integrity and internationally representative character of the Secretariat shall be maintained at the highest level. Due regard shall be paid also to the importance of recruiting the staff on as wide a geographical basis as possible.

Article 36

The conditions of service of the staff of the Organization shall conform as far as possible with those of other United Nations organizations.

Article 37

In the performance of their duties the Director-General and the staff shall not seek or receive instructions from any government or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officers. Each Member of the Organization on its part undertakes to respect the exclusively international character of the Director-General and the staff and not to seek to influence them.

CHAPTER VIII

COMMITTEES

Article 38

The Board shall establish such committees as the Health Assembly may direct and, on its own initiative or on the proposal of the Director-General, may establish any other committees considered desirable to serve any purpose within the competence of the Organization.

Article 39

The Board, from time to time and in any event annually, shall review the necessity for continuing each committee.

Article 40

The Board may provide for the creation of or the participation by the Organization in joint or mixed committees with other organizations and for the representation of the Organization in committees established by such other organizations.

CHAPTER IX

CONFERENCES

Article 41

The Health Assembly or the Board may convene local, general, technical or other special conferences to consider any matter within the competence of the Organization and may provide for the representation at such conferences of international organizations and, with the consent of the government concerned, of national organizations, governments or non-governmental. The manner of such representation shall be determined by the Health Assembly or the Board.

Article 42

The Board may provide for representation of the Organization at conferences in which the Board considers that the Organization has an interest.

CHAPTER X

HEADQUARTERS

Article 43

The location of the headquarters of the Organization shall be determined by the Health Assembly after consultation with the United Nations.

Secrétariat soient assurées au plus haut degré. Il sera tenu compte également de l'importance qu'il y a à recruter le personnel sur une base géographique la plus large possible.

Article 36

Les conditions de service du personnel de l'Organisation seront, autant que possible, conformes à celles des autres organisations des Nations Unies.

Article 37

Dans l'exercice de leurs fonctions, le Directeur Général et le personnel ne devront solliciter ou recevoir d'instructions d'aucun Gouvernement ou d'aucune autorité étrangère à l'Organisation. Ils s'abstiendront de toute action qui puisse porter atteinte à leur situation de fonctionnaires internationaux. Chaque Etat Membre de l'Organisation s'engage, de son côté, à respecter le caractère exclusivement international du Directeur Général et du personnel et à ne pas chercher à les influencer.

CHAPITRE VIII

COMMISSIONS

Article 38

Le Conseil crée telles commissions que l'Assemblée de la Santé peut prescrire et, sur sa propre initiative ou sur la proposition du Directeur Général, peut créer toutes autres commissions jugées souhaitables pour des fins ressortissant à l'Organisation.

Article 39

Le Conseil examine de temps en temps, et en tout cas une fois par an, la nécessité de maintenir chaque commission.

Article 40

Le Conseil peut procéder à la création de commissions conjointes ou mixtes avec d'autres organisations ou y faire participer l'Organisation, il peut assurer la représentation de l'Organisation dans des commissions instituées par d'autres organismes.

CHAPITRE IX

CONFÉRENCES

Article 41

L'Assemblée de la Santé ou le Conseil peut convoquer des conférences locales, générales, techniques ou tout autre d'un caractère spécial pour étudier telle question rentrant dans la compétence de l'Organisation et assurer la représentation, à ces conférences, d'organisations internationales et, avec le consentement des Gouvernements intéressés, d'organisations nationales, les unes ou les autres pouvant être de caractère gouvernemental ou non. Les modalités de cette représentation sont fixées par l'Assemblée de la Santé ou le Conseil.

Article 42

Le Conseil pourvoit à la représentation de l'Organisation dans les conférences où il estime que celle-ci possède un intérêt.

CHAPITRE X

SIÈGE

Article 43

Le lieu du siège de l'Organisation sera fixé par l'Assemblée de la Santé, après consultation des Nations Unies.

CHAPTER XI

REGIONAL ARRANGEMENTS

Article 44

(a) The Health Assembly shall from time to time define the geographical areas in which it is desirable to establish a regional organization.

(b) The Health Assembly may, with the consent of a majority of the Members situated within each area so defined, establish a regional organization to meet the special needs of such area. There shall not be more than one regional organization in each area.

Article 45

Each regional organization shall be an integral part of the Organization in accordance with this Constitution.

Article 46

Each regional organization shall consist of a Regional Committee and a Regional Office.

Article 47

Regional Committees shall be composed of representatives of the Member States and Associate Members in the region concerned. Territories or groups of territories within the region, which are not responsible for the conduct of their international relations and which are not Associate Members, shall have the right to be represented and to participate in Regional Committees. The nature and extent of the rights and obligations of these territories or groups of territories in Regional Committees shall be determined by the Health Assembly in consultation with the Member or other authority having responsibility for the international relations of these territories and with the Member States in the region.

Article 48

Regional Committees shall meet as often as necessary and shall determine the place of each meeting.

Article 49

Regional Committees shall adopt their own rules of procedure.

Article 50

The functions of the Regional Committee shall be:

(a) to formulate policies governing matters of an exclusively regional character;

(b) to supervise the activities of the Regional Office;

(c) to suggest to the Regional office the calling of technical conferences and such additional work or investigation in health matters as in the opinion of the Regional Committee would promote the objective of the Organization within the region;

(d) to co-operate with the respective regional committees of the United Nations and with those of other specialized agencies and with other regional international organizations having interests in common with the Organization;

(e) to tender advice, through the Director-General, to the Organization on international health matters which have wider than regional significance;

CHAPITRE XI

ARRANGEMENTS RÉGIONAUX

Article 44

a) L'Assemblée de la Santé, de temps en temps, détermine les régions géographiques où il est désirable d'établir une organisation régionale.

b) L'Assemblée de la Santé peut, avec le consentement de la majorité des Etats Membres situés dans chaque région ainsi déterminée, établir une organisation régionale pour répondre aux besoins particuliers de cette région. Il ne pourra y avoir plus d'une organisation régionale dans chaque région.

Article 45

Chacune des organisations régionales sera partie intégrante de l'Organisation, en conformité avec la présente Constitution.

Article 46

Chacune des organisations régionales comporte un comité régional et un bureau régional.

Article 47

Les comités régionaux sont composés de représentants des Etats Membres et des membres associés de la région en question. Les territoires ou groupes de territoires d'une région n'ayant pas la responsabilité de la conduite de leurs relations internationales et qui ne sont pas des membres associés, ont le droit d'être représentés à ces comités régionaux et d'y participer. La nature et l'étendue des droits et des obligations de ces territoires ou groupes de territoires vis-à-vis des comités régionaux seront fixées par l'Assemblée de la Santé, en consultation avec l'Etat Membre ou toute autre autorité ayant la responsabilité de la conduite des relations internationales de ces territoires et avec les Etats Membres de la région.

Article 48

Les comités régionaux se réunissent aussi souvent qu'il est nécessaire et fixent le lieu de chaque réunion.

Article 49

Les comités régionaux adoptent leur propre règlement.

Article 50

Les fonctions du comité régional sont les suivantes:

a) formuler des directives se rapportant à des questions d'un caractère exclusivement régional;

b) contrôler les activités du bureau régional;

c) proposer au bureau régional la réunion de conférences techniques ainsi que tout travail ou toute recherche additionnelles sur des questions de santé qui, de l'avis du comité régional, seraient susceptibles d'atteindre le but poursuivi par l'Organisation dans la région;

d) coopérer avec les comités régionaux respectifs des Nations Unies et avec ceux d'autres institutions spécialisées ainsi qu'avec d'autres organisations internationales régionales possédant avec l'Organisation des intérêts communs;

e) fournir des avis à l'Organisation, par l'intermédiaire du Directeur Général, sur les questions internationales de santé d'une importance débordant le cadre de la région;

(f) to recommend additional regional appropriations by the governments of the respective regions if the proportion of the central budget of the Organization allotted to that region is insufficient for the carrying out of the regional functions;

(g) such other functions as may be delegated to the Regional Committee by the Health Assembly, the Board or the Director-General.

Article 51

Subject to the general authority of the Director-General of the Organization, the Regional Office shall be the administrative organ of the Regional Committee. It shall, in addition, carry out within the region the decisions of the Health Assembly and of the Board.

Article 52

The head of the Regional Office shall be the Regional Director appointed by the Board in agreement with the Regional Committee.

Article 53

The staff of the Regional Office shall be appointed in a manner to be determined by agreement between the Director-General and the Regional Director.

Article 54

The Pan-American sanitary organization represented by the Pan-American Sanitary Bureau and the Pan-American Sanitary Conferences, and all other inter-governmental regional health organizations in existence prior to the date of signature of this Constitution, shall in due course be integrated with the Organization. This integration shall be effected as soon as practicable through common action based on mutual consent of the competent authorities expressed through the organizations concerned.

CHAPTER XII BUDGET AND EXPENSES

Article 55

The Director-General shall prepare and submit to the Board the annual budget estimates of the Organization. The Board shall consider and submit to the Health Assembly such budget estimates, together with any recommendations the Board may deem advisable.

Article 56

Subject to any agreement between the Organization and the United Nations, the Health Assembly shall review and approve the budget estimates and shall apportion the expenses among the Members in accordance with a scale to be fixed by the Health Assembly.

Article 57

The Health Assembly or the Board acting on behalf of the Health Assembly may accept and administer gifts and bequests made to the Organization provided that the conditions attached to such gifts or bequests are acceptable to the Health Assembly or the Board and are consistent with the objective and policies of the Organization.

Article 58

A special fund to be used at the discretion of the Board shall be established to meet emergencies and unforeseen contingencies.

f) recommander l'affectation de crédits régionaux supplémentaires par les Gouvernements des régions respectives si la part du budget central de l'Organisation allouée à cette région est insuffisante pour l'accomplissement des fonctions régionales;

g) toutes autres fonctions pouvant être déléguées au comité régional par l'Assemblée de la Santé, le Conseil ou le Directeur Général.

Article 51

Sous l'autorité générale du Directeur Général de l'Organisation, le bureau régional est l'organe administratif du comité régional. Il doit en outre exécuter, dans les limites de la région, les décisions de l'Assemblée de la Santé et du Conseil.

Article 52

Le chef du bureau régional est le Directeur Régional nommé par le Conseil en accord avec le comité régional.

Article 53

Le personnel du bureau régional est nommé conformément aux règles qui seront fixées dans un arrangement entre le Directeur Général et le Directeur Régional.

Article 54

L'Organisation Sanitaire Panaméricaine, représentée par le Bureau Sanitaire Panaméricain et les Conférences Sanitaires Panaméricaines, et toutes autres organisations régionales intergouvernementales de santé existant avant la date de la signature de cette Constitution, seront intégrées en temps voulu dans l'Organisation. Cette intégration s'effectuera dès que possible par une action commune basée sur le consentement mutuel des autorités compétentes exprimé par les organisations intéressées.

CHAPITRE XII

BUDGET ET DÉPENSES

Article 55

Le Directeur Général prépare et soumet au Conseil les prévisions budgétaires annuelles de l'Organisation. Le Conseil examine ces prévisions budgétaires et les soumet à l'Assemblée de la Santé, en les accompagnant de telles recommandations qu'il croit opportunes.

Article 56

Sous réserve de tel accord entre l'Organisation et les Nations Unies, l'Assemblée de la Santé examine et approuve les prévisions budgétaires et effectue la répartition des dépenses parmi les Etats Membres conformément au barème qu'elle devra arrêter.

Article 57

L'Assemblée de la Santé, ou le Conseil agissant au nom de l'Assemblée de la Santé, a pouvoir d'accepter et d'administrer des dons et legs faits à l'Organisation, pourvu que les conditions attachées à ces dons ou legs paraissent acceptables à l'Assemblée de la Santé ou au Conseil et cadrent avec les buts et la politique de l'Organisation.

Article 58

Un fond spécial, dont le Conseil disposera à sa discrétion, sera constitué pour parer aux cas d'urgence et à tous événements imprévus.

CHAPTER XIII

VOTING

Article 59

Each Member shall have one vote in the Health Assembly.

Article 60

(a) Decisions of the Health Assembly on important questions shall be made by a two-thirds majority of the Members present and voting.

These questions shall include: the adoption of conventions or agreements; the approval of agreements bringing the Organization into relation with the United Nations and inter-governmental organizations and agencies in accordance with Articles 69, 70 and 72; amendments to this Constitution.

(b) Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the Members present and voting.

(c) Voting on analogous matters in the Board and in committees of the Organization shall be made in accordance with paragraphs (a) and (b) of this Article.

CHAPTER XIV

REPORTS SUBMITTED BY STATES

Article 61

Each Member shall report annually to the Organization on the action taken and progress achieved in improving the health of its people.

Article 62

Each Member shall report annually on the action taken with respect to recommendations made to it by the Organization and with respect to conventions, agreements and regulations.

Article 63

Each Member shall communicate promptly to the Organization important laws, regulations, official reports and statistics pertaining to health which have been published in the State concerned.

Article 64

Each Member shall provide statistical and epidemiological reports in a manner to be determined by the Health Assembly.

Article 65

Each Member shall transmit upon the request of the Board such additional information pertaining to health as may be practicable.

CHAPTER XV

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

Article 66

The Organization shall enjoy in the territory of each Member such legal capacity as may be necessary for the fulfilment of its objective and for the exercise of its functions.

CHAPITRE XIII

VOTE

Article 59

Chaque Etat Membre aura droit à une voix dans l'Assemblée de la Santé.

Article 60

a) Les décisions de l'Assemblée de la Santé à prendre sur des questions importantes sont acquises à la majorité des deux tiers des Etats Membres présents et votants.

Ces questions comprennent: l'adoption de conventions ou d'accords; l'approbation d'accords liant l'Organisation aux Nations Unies, aux organisations et institutions intergouvernementales, en application des articles 69, 70 et 72; les modifications à la présente Constitution.

b) Les décisions sur d'autres questions, y compris la fixation de catégories additionnelles de questions devant être décidées par une majorité des deux tiers, sont prises à la simple majorité des Etats Membres présents et votants.

c) Le vote, au sein du Conseil et des commissions de l'Organisation sur des questions de nature similaire, s'effectuera conformément aux dispositions des paragraphes a) et b) du présent article.

CHAPITRE XIV

RAPPORTS SOUMIS PAR LES ETATS

Article 61

Chaque Etat Membre fait rapport annuellement à l'Organisation sur les mesures prises et les progrès réalisés pour améliorer la santé de sa population.

Article 62

Chaque Etat Membre fait rapport annuellement sur les mesures prises en exécution des recommandations que l'Organisation lui aura faites et en exécution des conventions, accords et règlements.

Article 63

Chaque Etat Membre communique rapidement à l'Organisation des lois, règlements, rapports officiels et statistiques importants concernant la santé et publiés dans cet Etat.

Article 64

Chaque Etat Membre fournit des rapports statistiques et épidémiologiques selon des modalités à déterminer par l'Assemblée de la Santé.

Article 65

Sur requête du Conseil, chaque Etat Membre doit transmettre, dans la mesure du possible, toutes informations supplémentaires se rapportant à la santé.

CHAPITRE XV

CAPACITÉ JURIDIQUE, PRIVILÈGES ET IMMUNITÉS

Article 66

L'Organisation jouira sur le territoire de chaque Etat Membre, de la capacité juridique nécessaire pour atteindre son but et exercer ses fonctions.

Article 67

(a) The Organization shall enjoy in the territory of each Member such privileges and immunities as may be necessary for the fulfilment of its objective and for the exercise of its functions.

(b) Representatives of Members, persons designated to serve on the Board and technical and administrative personnel of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

Article 68

Such legal capacity, privileges and immunities shall be defined in a separate agreement to be prepared by the Organization in consultation with the Secretary-General of the United Nations and concluded between the Members.

CHAPTER XVI**RELATIONS WITH OTHER ORGANIZATIONS***Article 69*

The Organization shall be brought into relation with the United Nations as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations. The agreement or agreements bringing the Organization into relation with the United Nations shall be subject to approval by a two-thirds vote of the Health Assembly.

Article 70

The Organization shall establish effective relations and co-operate closely with such other inter-governmental organizations as may be desirable. Any formal agreement entered into with such organizations shall be subject to approval by a two-thirds vote of the Health Assembly.

Article 71

The Organization may, on matters within its competence, make suitable arrangements for consultation and co-operation with non-governmental international organizations and, with the consent of the government concerned, with national organizations, governmental or non-governmental.

Article 72

Subject to the approval by a two-thirds vote of the Health Assembly, the Organization may take over from any other international organization or agency whose purpose and activities lie within the field of competence of the Organization such functions, resources and obligations as may be conferred upon the Organization by international agreement or by mutually acceptable arrangements entered into between the competent authorities of the respective organizations.

CHAPTER XVII**AMENDMENTS***Article 73*

Texts of proposed amendments to this Constitution shall be communicated by the Director-General to Members at least six months in advance of their consideration by the Health Assembly. Amendments shall come into force for all Members when adopted by a two-thirds vote of the Health Assembly and accepted by two-thirds of the Members in accordance with their respective constitutional processes.

Article 67

a) L'Organisation jouira sur le territoire de chaque Etat Membre des priviléges et immunités nécessaires pour atteindre son but et exercer ses fonctions.

b). Les représentants des Etats Membres, les personnes désignées pour faire partie du Conseil et le personnel technique et administratif de l'Organisation jouiront également des priviléges et immunités nécessaires au libre exercice de leurs fonctions se rapportant à l'Organisation.

Article 68

Cette capacité juridique, ces priviléges et immunités seront déterminés dans un arrangement séparé lequel devra être préparé par l'Organisation, en consultation avec le Secrétaire Général des Nations Unies, et sera conclu entre les Etats Membres.

CHAPITRE XVI**RELATIONS AVEC D'AUTRES ORGANISATIONS***Article 69*

L'Organisation est rattachée aux Nations Unies comme une des institutions spécialisées prévues par l'article 57 de la Charte des Nations Unies. Le ou les accords établissant les rapports de l'Organisation avec les Nations Unies doivent être approuvés à la majorité des deux tiers de l'Assemblée de la Santé.

Article 70

L'Organisation doit établir des relations effectives et coopérer étroitement avec telles autres organisations intergouvernementales jugées souhaitables. Tout accord officiel conclu avec ces organisations doit être approuvé à la majorité des deux tiers de l'Assemblée de la Santé.

Article 71

L'Organisation peut, en ce qui concerne les questions de son ressort, prendre toutes dispositions convenables pour se concerter et coopérer avec des organisations internationales non-gouvernementales et, avec l'approbation du Gouvernement intéressé, avec des organisations nationales, gouvernementales ou non-gouvernementales.

Article 72

Sous réserve de l'approbation des deux tiers de l'Assemblée de la Santé, l'Organisation peut reprendre à d'autres organisations ou institutions internationales, dont les buts et les activités rentrent dans le domaine de la compétence de l'Organisation, telles fonctions, ressources et obligations dont ladite Organisation serait chargée aux termes d'un accord international ou aux termes d'arrangements acceptables pour les deux parties et passés entre les autorités compétentes des organisations respectives.

CHAPITRE XVII**AMENDEMENTS***Article 73*

Les textes des amendements proposés à cette Constitution seront communiqués par le Directeur Général aux Etats Membres six mois au moins avant qu'ils ne soient examinés par l'Assemblée de la Santé.

Les amendements entreront en vigueur à l'égard de tous les Etats Membres lorsqu'ils auront été adoptés par les deux tiers de l'Assemblée de la Santé et acceptés par les deux tiers des Etats Membres conformément à leurs règles constitutionnelles respectives.

CHAPTER XVIII

INTERPRETATION

Article 74

The Chinese, English, French, Russian and Spanish texts of this Constitution shall be regarded as equally authentic.

Article 75

Any question or dispute concerning the interpretation or application of this Constitution which is not settled by negotiation or by the Health Assembly shall be referred to the International Court of Justice in conformity with the Statute of the Court, unless the parties concerned agree on another mode of settlement.

Article 76

Upon authorization by the General Assembly of the United Nations or upon authorization in accordance with any agreement between Organization and the United Nations, the Organization may request the International Court of Justice for an advisory opinion on any legal question arising within the competence of the Organization.

Article 77

The Director-General may appear before the Court on behalf of the Organization in connection with any proceedings arising out of any such request for an advisory opinion. He shall make arrangements for the presentation of the case before the Court including arrangements for the argument of different views on the question.

CHAPTER XIX

ENTRY INTO FORCE

Article 78

Subject to the provisions of Chapter III, this Constitution shall remain open to all States for signature or acceptance.

Article 79

- (a) States may become parties to this Constitution by
 - (i) signature without reservation as to approval;
 - (ii) signature subject to approval followed by acceptance; or
 - (iii) acceptance.

(b) Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

Article 80

This Constitution shall come into force when twenty-six Members of the United Nations have become parties to it in accordance with the provisions of Article 79.

Article 81

In accordance with Article 102 of the Charter of the United Nations, the Secretary-General of the United Nations will register this Constitution when it has been signed without reservation as to approval on behalf of one State or upon deposit of the first instrument of acceptance.

CHAPITRE XVIII

INTERPRÉTATION

Article 74

Les textes anglais, chinois, espagnol, français et russe de cette Constitution sont considérés comme également authentiques.

Article 75

Toute question ou différend concernant l'interprétation ou l'application de cette Constitution, qui n'aura pas été réglé par voie de négociation ou par l'Assemblée de la Santé, sera déféré par les parties à la Cour Internationale de Justice conformément au statut de ladite Cour, à moins que les parties intéressées ne conviennent d'un autre mode de règlement.

Article 76

Sous le couvert de l'autorisation de l'Assemblée Générale des Nations Unies ou sous le couvert de l'autorisation résultant de tout accord entre l'Organisation et les Nations Unies, l'Organisation pourra demander à la Cour Internationale de Justice un avis consultatif sur toute question juridique éventuelle du ressort de l'Organisation.

Article 77

Le Directeur Général peut représenter devant la Cour l'Organisation dans toute procédure se rapportant à toute demande d'avis consultatif. Il devra prendre les dispositions nécessaires pour soumettre l'affaire à la Cour, y compris celles nécessaires à l'exposé des arguments se rapportant aux vues différentes exprimées sur la question.

CHAPITRE XIX

ENTRÉE EN VIGUEUR

Article 78

Sous réserve des dispositions du Chapitre III, cette Constitution demeurera ouverte à signature ou à acceptation à tous les Etats.

Article 79

a) Les Etats pourront devenir parties à cette Constitution par:

- i) la signature, sans réserve d'approbation;
- ii) la signature sous réserve d'approbation, suivie de l'acceptation;
- iii) l'acceptation pure et simple.

b) l'acceptation deviendra effective par le dépôt d'un instrument officiel entre les mains du Secrétaire Général des Nations Unies.

Article 80

Cette Constitution entrera en vigueur lorsque vingt-six Etats Membres des Nations Unies en seront devenus parties, conformément aux dispositions de l'article 79.

Article 81

Conformément à l'article 102 de la Charte des Nations Unies le Secrétaire Général des Nations Unies enregistrera cette Constitution lorsqu'elle aura été signée sans réserve d'approbation par un Etat ou au moment du dépôt du premier instrument d'acceptation.

Article 82

The Secretary-General of the United Nations will inform States parties to this Constitution of the date when it has come into force. He will also inform them of the dates when other States have become parties to this Constitution.

IN FAITH WHEREOF the undersigned representatives having been duly authorized for that purpose sign this Constitution.

DONE in the City of New York this twenty-second day of July, 1946, in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. The original texts shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations will send certified copies to each of the governments represented at the Conference.

(Here follow the names of the representatives for Argentina (ad referendum), Australia (subject to approval and acceptance), Belgium (subject to ratification), Bolivia (ad referendum), Brazil (ad referendum), the Byelorussian Soviet Socialist Republic (subject to ratification), Canada (subject to approval), Chile (subject to Constitutional approval), China, Colombia (ad referendum), Costa Rica (ad referendum), Cuba (ad referendum), Czechoslovakia (ad referendum), Denmark (ad referendum), the Dominican Republic (ad referendum), Ecuador (ad referendum), Egypt (subject to ratification), El Salvador (ad referendum), Ethiopia (subject to ratification), France (ad referendum), Greece (ad referendum), Guatemala (ad referendum), Haiti (ad referendum), Honduras (ad referendum), India (subject to ratification), Iran (subject to ratification), Iraq (ad referendum), Lebanon (ad referendum), Liberia (ad referendum), Luxembourg (subject to ratification), Mexico (ad referendum), the Netherlands (ad referendum), New Zealand (ad referendum), Nicaragua (ad referendum), Norway (ad referendum), Panama (ad referendum), Paraguay (ad referendum), Peru, (ad referendum), Poland (ad referendum), the Republic of the Philippines (ad referendum), Saudi Arabia (subject to ratification), Syria (subject to ratification), Turkey (subject to ratification), the Ukrainian Soviet Socialist Republic (subject to ratification), the Union of Soviet Socialist Republics (subject to ratification), the Union of South Africa (ad referendum), the United Kingdom of Great Britain and Northern Ireland, the United States of America (subject to approval), Uruguay (ad referendum), Venezuela (ad referendum), Yugoslavia (with reservation as to ratification), and of the observers for Albania (with reservation), Austria (with reservation), Bulgaria (subject to ratification), Eire (subject to acceptance), Finland (ad referendum), Italy (subject to ratification), Portugal (subject to ratification), Siam (subject to approval), Switzerland (subject to ratification), Transjordan (subject to ratification).)

Article 82

Le Secrétaire Général des Nations Unies informera les Etats parties à cette Constitution de la date de son entrée en vigueur. Il les informera également des dates auxquelles d'autres Etats deviendront parties à cette Constitution.

EN FOI DE QUOI les Représentants soussignés, dûment autorisés à cet effet, signent la présente Constitution.

FAIT en la Ville de New-York, ce vingt-deux juillet 1946, en un seul original établi en langues anglaise, chinoise, espagnole, française et russe, chaque texte étant également authentique. Les textes originaux seront déposés dans les archives des Nations Unies. Le Secrétaire Général des Nations Unies délivrera des copies certifiées conformes à chacun des Gouvernements représentés à la Conférence.

(Suivent les noms des représentants de l'Argentine (ad referendum), l'Australie (sous réserve d'approbation et de ratification), la Belgique (sous réserve de ratification), la Bolivie (ad referendum), le Brésil (ad referendum), la République Soviétique Socialiste de Biélorussie (sous réserve de ratification), le Canada (sous réserve d'approbation), le Chili (sous réserve d'approbation), la Chine, la Colombie (ad referendum), le Costa Rica (ad referendum), Cuba (ad referendum), la Tchécoslovaquie (ad referendum), le Danemark (ad referendum), la République Dominicaine (ad referendum), l'Equateur (ad referendum), l'Egypte (sous réserve de ratification), El Salvador (ad referendum), l'Ethiopie (sous réserve de ratification), la France (ad referendum), la Grèce (ad referendum), le Guatémala (ad referendum), Haïti (ad referendum), le Honduras (ad referendum), l'Inde (sous réserve de ratification), l'Iran (sous réserve de ratification), l'Irak (ad referendum), le Liban (ad referendum), le Libéria (ad referendum), le Luxembourg (sous réserve de ratification), le Mexique (ad referendum), les Pays-Bas (ad referendum), la Nouvelle-Zélande (ad referendum), le Nicaragua (ad referendum), la Norvège (ad referendum), le Panama (ad referendum), le Paraguay (ad referendum), le Pérou (ad referendum), la Pologne (ad referendum), la République des Philippines (ad referendum), l'Arabie Saoudite (sous réserve de ratification), la Syrie (sous réserve de ratification), la Turquie (sous réserve de ratification), la République Socialiste Soviétique d'Ukraine (sous réserve de ratification), l'Union des Républiques Socialistes Soviétiques (sous réserve de ratification), l'Union de l'Afrique du Sud (ad referendum), le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, les Etats-Unis d'Amérique (sous réserve d'approbation), l'Uruguay (ad referendum), le Venezuela (ad referendum), la Yougoslavie (sous réservation de ratification), et des observateurs pour l'Albanie (sous réservation), l'Autriche (sous réservation), la Bulgarie (sous réserve de ratification), l'Irlande (sous réserve de ratification), la Finlande (ad referendum), l'Italie (sous réserve de ratification), le Portugal (sous réserve de ratification), le Siam (sous réserve d'approbation), la Suisse (sous réserve de ratification), le Transjordan (sous réserve de ratification).

III

ARRANGEMENT CONCLUDED BY THE GOVERNMENTS REPRESENTED AT THE INTERNATIONAL HEALTH CONFERENCE HELD IN THE CITY OF NEW YORK, FROM 19 JUNE TO JULY 22, 1946*

THE GOVERNMENTS represented at the International Health Conference convened on 19 June, 1946, in the City of New York by the Economic and Social Council of the United Nations,

Having agreed that an international organization to be known as the World Health Organization shall be established,

Having this day agreed upon a Constitution for the World Health Organization, and

Having resolved that, pending the coming into force of the Constitution and the establishment of the World Health Organization, as provided in the Constitution, an Interim Commission should be established,

AGREE as follows:—

1. There is hereby established an Interim Commission of the World Health Organization consisting of the following eighteen States entitled to designate persons to serve on it: Australia, Brazil, Canada, China, Egypt, France, India, Liberia, Mexico, Netherlands, Norway, Peru, Ukrainian Soviet Socialist Republic, United Kingdom, United States of America, Union of Soviet Socialist Republics, Venezuela and Yugoslavia. Each of these States should designate to the Interim Commission, a person technically qualified in the field of health, who may be accompanied by alternates and advisers.

2. The functions of the Interim Commission shall be:

(a) to convoke the first session of the World Health Assembly as soon as practicable, but not later than six months after the date on which the Constitution of the Organization comes into force;

(b) to prepare and submit to the signatories to this Agreement, at least six weeks before the first session of the Health Assembly, the provisional agenda for that session and necessary documents and recommendations relating thereto, including:

(i) proposals as to programme and budget for the first year of the Organization,

(ii) studies regarding location of headquarters of the Organization,

(iii) studies regarding the definition of geographical areas with a view to the eventual establishment of regional organizations as contemplated in Chapter XI of the Constitution, due consideration being given to the views of the governments concerned, and

(iv) draft financial and staff regulations for approval by the Health Assembly.

* Effective July 22, 1946.

III

ARRANGEMENT CONCLU PAR LES GOUVERNEMENTS REPRÉSENTÉS À LA CONFÉRENCE INTERNATIONALE DE LA SANTÉ QUI S'EST TENUE À NEW-YORK, DU 19 JUIN AU 22 JUILLET 1946*

LES GOUVERNEMENTS représentés à la Conférence Internationale de la Santé, convoquée le 19 juin 1946 à New-York par le Conseil Economique et Social de l'Organisation des Nations Unies,

Ayant décidé de créer une organisation internationale qui prendra le nom d'Organisation Mondiale de la Santé,

Ayant adopté, ce jour, un texte de constitution de l'Organisation Mondiale de la Santé, et

Ayant décidé de créer, en attendant l'entrée en vigueur de la constitution et l'établissement de l'Organisation Mondiale de la Santé, telle qu'elle est prévue dans la Constitution, une commission intérimaire,

DÉCIDENT ce qui suit:

1. Il est créé, par les présentes, une commission intérimaire de l'Organisation Mondiale de la Santé, composée de dix-huit Etats ci-après désignés habilités à nommer les personnes devant en faire partie:

Australie, Brésil, Canada, Chine, Egypte, Etats-Unis, France, Indes, Libéria, Mexique, Norvège, Pays-Bas, Pérou, Royaume-Uni, République Socialiste Soviétique d'Ukraine, Union des Républiques Socialistes Soviétiques, Venezuela, Yougoslavie. Chacun de ces Etats devrait désigner pour siéger à la Commission Intérimaire une personnalité techniquement qualifiée dans les questions de santé, et qui pourra être accompagnée de suppléants et de conseillers.

2. La Commission Intérimaire aura pour fonctions:

a) de convoquer la première session de l'Assemblée Mondiale de la Santé, aussitôt que possible et six mois au plus tard après la date de l'entrée en vigueur de la Constitution de l'Organisation;

b) de préparer et de soumettre aux signataires de cet Arrangement, six semaines au moins avant la première session de l'Assemblée Mondiale de la Santé, l'ordre du jour provisoire de cette session ainsi que les documents et les recommandations nécessaires s'y rapportant, notamment:

(i) les propositions relatives au programme de travail et au budget de l'Organisation, pour la première année,

(ii) des études portant sur le lieu d'établissement du siège de l'Organisation,

(iii) des études concernant la détermination des régions géographiques en vue de la création éventuelle des organisations régionales envisagées dans le Chapitre XI de la Constitution et qui tiendront dûment compte des points de vue des gouvernements intéressés, et

(iv) un projet de règlement financier et de statut du personnel pour approbation par l'Assemblée Générale.

*En vigueur le 22 juillet, 1946.

In carrying out the provisions of this paragraph due consideration shall be given to the proceedings of the International Health Conference.

(c) to enter into negotiations with the United Nations with a view to the preparation of an agreement or agreements as contemplated in Article 57 of the Charter of the United Nations and in Article 69 of the Constitution. Such agreement or agreements shall

(i) provide for effective co-operation between the two organizations in the pursuit of their common purposes;

(ii) facilitate, in conformity with Article 58 of the Charter, the co-ordination of the policies and activities of the Organization with those of other specialized agencies; and

(iii) at the same time recognize the autonomy of the Organization within the field of its competence as defined in its Constitution.

(d) to take all necessary steps to effect the transfer from the United Nations to the Interim Commission of the functions, activities, and assets of the League of Nations Health Organization which have been assigned to the United Nations;

(e) to take all necessary steps in accordance with the provisions of the Protocol concerning the *Office International d'Hygiène Publique* signed 22 July, 1946, for the transfer to the Interim Commission of the duties and functions of the *Office*, and to initiate any action necessary to facilitate the transfer of the assets and liabilities of the *Office* to the World Health Organization upon the termination of the Rome Agreement of 1907;

(f) to take all necessary steps for assumption by the Interim Commission of the duties and functions entrusted to the United Nations Relief and Rehabilitation Administration by the International Sanitary Convention, 1944, modifying the International Sanitary Convention of 21 June, 1926, the Protocol to Prolong the International Sanitary Convention, 1944, the International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention for Aerial Navigation of 12 April, 1933, and the Protocol to Prolong the International Sanitary Convention for Aerial Navigation, 1944;

(g) to enter into the necessary arrangements with the Pan-American sanitary organization and other existing inter-governmental regional health organizations with a view to giving effect to the provisions of Article 54 of the Constitution, which arrangements shall be subject to approval by the Health Assembly;

(h) to establish effective relations and enter into negotiations with a view to concluding agreements with other inter-governmental organizations as contemplated in Article 70 of the Constitution;

(i) to study the question of relations with non-governmental international organizations and with national organizations in accordance with Article 71 of the Constitution, and to make interim arrangements for consultation and co-operation with such organizations as the Interim Commission may consider desirable;

Pour la mise en œuvre des dispositions de ce paragraphe, il y aura lieu d'accorder une attention particulière aux délibérations de la Conférence Internationale de la Santé.

c) entamer des négociations avec l'Organisation des Nations Unies en vue de préparer un ou plusieurs accords, ainsi qu'il est prévu à l'article 57 de la Charte des Nations Unies et à l'article 69 de la Constitution. Cet accord ou ces accords devront:

(i) établir une collaboration effective entre les deux organisations dans la poursuite de leur but commun;

(ii) faciliter, conformément à l'article 58 de la Charte, la coordination de la politique générale et de l'activité de l'Organisation avec celles d'autres institutions spécialisées; et

(iii) en même temps, reconnaître l'autonomie de l'Organisation dans le domaine de sa compétence, tel qu'il est défini dans sa Constitution;

d) prendre toutes les mesures nécessaires en vue de procéder au transfert des Nations Unies à la Commission Intérimaire, des fonctions, activités et avoirs de l'Organisation d'Hygiène de la Société des Nations qui ont été assignés jusqu'ici à l'Organisation des Nations Unies;

e) prendre toutes mesures nécessaires, conformément aux dispositions du Protocole, signé le 22 juillet 1946, concernant l'Office International d'Hygiène Publique, pour le transfert à la Commission Intérimaire des charges et fonctions de l'Office, et prendre l'initiative de toutes mesures nécessaires en vue de faciliter le transfert de l'actif et du passif de l'Office à l'Organisation Mondiale de la Santé, lorsque l'Arrangement de Rome de 1907 arrivera à expiration;

f) prendre toutes les mesures nécessaires en vue de permettre à la Commission Intérimaire d'assumer les charges et les fonctions confiées à la "United Nations Relief and Rehabilitation Administration" par la Convention Sanitaire Internationale de 1944 portant modification à la Convention Sanitaire Internationale du 21 juin 1926, le Protocole prorogeant la Convention Sanitaire Internationale de 1944, la Convention Sanitaire Internationale pour la Navigation Aérienne de 1944 portant modification de la Convention Sanitaire Internationale pour la Navigation Aérienne du 12 avril 1933 et le Protocole prorogeant la Convention Sanitaire Internationale pour la Navigation Aérienne de 1944;

g) conclure les accords nécessaires avec l'Organisation Sanitaire Panaméricaine et les autres organisations régionales intergouvernementales de santé existantes, en vue de donner effet à l'article 54 de la Constitution, sous réserve de l'approbation de ces accords par l'Assemblée de la Santé;

h) établir des relations effectives et entamer des négociations en vue de conclure des accords avec d'autres organisations intergouvernementales, tel que prévu à l'article 70 de la Constitution;

i) étudier la question des relations avec les organisations internationales non-gouvernementales et avec les organisations nationales, conformément à l'article 71 de la Constitution, et prendre des dispositions provisoires lui permettant d'entrer en consultation et coopérer avec telles organisations que la Commission Intérimaire jugera souhaitables;

j) entreprendre les premiers préparatifs en vue de la révision, l'unification et le renforcement des conventions sanitaires internationales existantes;

(j) to undertake initial preparations for revising, unifying and strengthening existing international sanitary conventions;

(k) to review existing machinery and undertake such preparatory work as may be necessary in connection with:

(i) the next decennial revision of "The International Lists of Causes of Death" (including the lists adopted under the International Agreement of 1934 relating to Statistics of Causes of Death); and

(ii) the establishment of International Lists of Causes of Morbidity;

(l) to establish effective liaison with the Economic and Social Council and such of its commissions as may appear desirable, in particular the Commission on Narcotic Drugs; and

(m) to consider any urgent health problem which may be brought to its notice by any government, to give technical advice in regard thereto, to bring urgent health needs to the attention of governments and organizations which may be in a position to assist, and to take such steps as may be desirable to co-ordinate any assistance such governments and organizations may undertake to provide.

3. The Interim Commission may establish such committees as it considers desirable.

4. The Interim Commission shall elect its Chairman and other officers, adopt its own rules of procedure, and consult such persons as may be necessary to facilitate its work.

5. The Interim Commission shall appoint an Executive Secretary who shall:

(a) be its chief technical and administrative officer;

(b) be ex-officio secretary of the Interim Commission and of all committees established by it;

(c) have direct access to national health administrations in such manner as may be acceptable to the government concerned; and

(d) perform such other functions and duties as the Interim Commission may determine.

6. The Executive Secretary, subject to the general authority of the Interim Commission, shall appoint such technical and administrative staff as may be required. In making these appointments he shall have due regard for the principles embodied in Article 35 of the Constitution. He shall take into consideration the desirability of appointing available personnel from the staffs of the League of Nations Health Organization, the *Office International d'Hygiène Publique*, and the Health Division of the United Nations Relief and Rehabilitation Administration. He may appoint officials and specialists made available by governments. Pending the recruitment and organization of his staff, he may utilize such technical and administrative assistance as the Secretary-General of the United Nations may make available.

7. The Interim Commission shall hold its first session in New York immediately after its appointment and shall meet thereafter as often as may be necessary but not less than once in every four months. At each session the Interim Commission shall determine the place of its next session.

8. The expenses of the Interim Commission shall be met from funds provided by the United Nations and for this purpose the Interim Commission shall make the necessary arrangements with the appropriate authorities of the United Nations. Should these funds be insufficient, the Interim Commission may accept advances from governments. Such advances may be set off against the contributions of the governments concerned to the Organization.

k) étudier l'ensemble du mécanisme existant et entreprendre les travaux préparatoires qui peuvent être nécessaires;

(i) en vue de la prochaine révision décennale des "listes internationales des causes de décès" (y compris les listes adoptées conformément à l'Accord international de 1934 ayant trait aux statistiques des causes de décès), et

(ii) de l'établissement de listes internationales des causes de maladies;

l) établir une liaison effective avec le Conseil Economique et Social et celles de ses commissions avec lesquelles il apparaîtra utile de le faire, en particulier avec la Commission des Stupéfiants;

m) examiner tous les problèmes de santé urgents que tout Gouvernement pourra lui signaler, donner des conseils techniques à leur sujet, attirer l'attention des Gouvernements et des Organisations, susceptibles d'apporter leur concours sur les besoins urgents en ce qui concerne la santé et prendre toutes les mesures désirables afin de coordonner toute l'assistance que ces Gouvernements et ces Organisations sont susceptibles d'apporter.

3. La Commission Intérimaire peut créer les commissions qu'elle estime désirables.

4. La Commission Intérimaire élit son président et son bureau, adopte son propre règlement et consulte toutes personnes susceptibles de faciliter son travail.

5. La Commission Intérimaire désigne un Secrétaire Exécutif lequel:

a) est le plus haut fonctionnaire technique et administratif;

b) est, de droit, secrétaire de la Commission Intérimaire et de tous les comités créés par elle;

c) a accès directement auprès des administrations nationales de santé, selon des modalités que peut agréer le Gouvernement intéressé;

d) remplit toutes autres fonctions et charges que la Commission Intérimaire pourra fixer.

6. Dans les limites de l'autorisation générale donnée par la Commission Intérimaire, le Secrétaire Exécutif nomme le personnel technique et administratif nécessaire. En procédant à ces nominations, il prend en considération les principes contenus dans l'article 35 de la Constitution. Il tiendra compte, en outre, du fait qu'il est désirable de nommer le personnel disponible choisi parmi les fonctionnaires de l'Organisation d'Hygiène de la Société des Nations, de l'Office International d'Hygiène Publique et de la Division de la Santé de "United Nations Relief and Rehabilitation Administration." Il peut nommer des fonctionnaires et des spécialistes mis à sa disposition par les Gouvernements. En attendant d'avoir pu recruter et organiser son personnel, il peut recevoir toute aide technique et administrative que le Secrétaire Général des Nations Unies est en mesure de lui fournir.

7. La Commission Intérimaire tiendra sa première séance à New-York immédiatement après sa création et se réunira par la suite aussi souvent que nécessaire mais au moins une fois tous les quatre mois. A chaque session, la Commission Intérimaire détermine le lieu de sa prochaine session.

8. Les dépenses de la Commission Intérimaire sont couvertes au moyen de fonds fournis par les Nations Unies et la Commission Intérimaire prendra dans ce but les dispositions nécessaires avec les autorités compétentes des Nations Unies. Dans le cas où ces fonds seraient insuffisants, la Commission Intérimaire pourra accepter des avances des Gouvernements. Ces avances pourront être effectuées sur les contributions des Gouvernements appartenant à l'Organisation.

9. The Executive Secretary shall prepare and the Interim Commission shall review and approve budget estimates:—

- (a) for the period from the establishment of the Interim Commission until 31 December, 1946, and
- (b) for subsequent periods as necessary.

10. The Interim Commission shall submit a report of its activities to the Health Assembly at its first session.

11. The Interim Commission shall cease to exist upon resolution of the Health Assembly at its first session, at which time the property and records of the Interim Commission and such of its staff as may be required shall be transferred to the Organization.

12. This Arrangement shall come into force for all signatories on this day's date.

IN FAITH WHEREOF the undersigned representatives, having been duly authorized for that purpose, sign this Arrangement in the Chinese, English, French, Russian and Spanish languages, all texts being equally authentic.

SIGNED in the City of New York this twenty-second day of July, 1946.

(Here follow the names of the representatives for Argentina, Australia, (subject to approval and acceptance), Belgium (subject to ratification), Bolivia, Brazil, the Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Costa Rica, Cuba (ad referendum), Czechoslovakia (ad referendum), Denmark (ad referendum), the Dominican Republic, Ecuador, Egypt, El Salvador (ad referendum), Ethiopia, France, Greece, Guatemala (ad referendum), Haiti, Honduras, India, Iran, Iraq, Lebanon, Iberia, Luxembourg (subject to ratification), Mexico, the Netherlands (ad referendum), New Zealand (ad referendum), Nicaragua (ad referendum), Norway (ad referendum), Panama (ad referendum), Paraguay, Peru, Poland, the Republic of the Philippines, Saudi Arabia, Syria, Turkey, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the Union of South Africa (ad referendum), the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela, Yugoslavia, and of the observers for Albania, Austria, Bulgaria, Eire, Finland, Italy, Portugal, Siam, Switzerland, Transjordan.)

9. Le Secrétaire Exécutif est chargé de préparer et la Commission Intérieure de réviser et d'approuver les prévisions budgétaires:

a) afférentes à la période allant de la création de la Commission Intérimaire jusqu'au 31 décembre 1946, et

b) afférentes aux périodes ultérieures pour lesquelles il y aurait lieu de le faire.

10. La Commission Intérimaire soumettra un rapport sur son activité à l'Assemblée de la Santé lors de sa première session.

11. La Commission Intérimaire cessera d'exister en vertu d'une résolution de l'Assemblée de la Santé lors de sa première session, époque à laquelle les biens et les archives de la Commission Intérimaire ainsi que cette partie de son personnel jugée nécessaire seront transférés à l'Organisation.

12. Cet Arrangement entrera en vigueur pour tous les signataires à la date de ce jour.

EN FOI DE QUOI les Représentants soussignés, dûment autorisés à cet effet, signent le présent Arrangement en langues anglaise, chinoise, espagnole, française et russe, tous ces textes étant également authentiques.

SIGNÉ en la ville de New-York ce vingt-deux juillet 1946.

(*Suivent les noms des représentants de l'Argentine, l'Australie (sous réserve d'approbation et de ratification), la Belgique (sous réserve de ratification), la Bolivie, le Brésil, la République Socialiste Soviétique de Biélorussie, le Canada, le Chili, la Chine, la Colombie, le Costa Rica, Cuba (ad referendum), la Tchécoslovaquie (ad referendum), le Danemark (ad referendum), la République Dominicaine, l'Equateur, l'Egypte, El Salvador (ad referendum), l'Ethiopie, la France, la Grèce, le Guatemala (ad referendum), Haïti, le Honduras, l'Inde, l'Iran, l'Irak, le Liban, le Libéria, le Luxembourg (sous réserve de ratification), le Mexique, les Pays-Bas (ad referendum), la Nouvelle-Zélande (ad referendum), le Nicaragua (ad referendum), la Norvège (ad referendum), le Panama (ad referendum), le Paraguay, le Pérou, la Pologne, la République des Philippines, l'Arabie Saoudite, la Syrie, la Turquie, la République Socialiste Soviétique d'Ukraine, l'Union des Républiques Socialistes Soviétiques, l'Union de l'Afrique du Sud (ad referendum), le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, les Etats-Unis d'Amérique, l'Uruguay, le Venezuela, la Yougoslavie, et des observateurs pour l'Albanie, l'Autriche, la Bulgarie, l'Irlande, la Finlande, l'Italie, le Portugal, le Siam, la Suisse, le Transjordan.*)

IV

PROTOCOL CONCERNING THE OFFICE INTERNATIONAL D'HYGIENE PUBLIQUE*

Article 1

The Governments signatories to this protocol agree that, as between themselves, the duties and functions of the *Office International d'Hygiène Publique* as defined in the Agreement signed at Rome on 9 December, 1907, shall be performed by the World Health Organization or its Interim Commission and that, subject to existing international obligations, they will take the necessary steps to accomplish this purpose.

Article 2

The parties to this protocol further agree that, as between themselves, from the date when this protocol comes into force, the duties and functions conferred upon the *Office* by the International agreements listed in Annex 1, shall be performed by the Organization or its Interim Commission.

Article 3

The Agreement of 1907 shall be terminated and the *Office* dissolved when all parties to the Agreement have agreed to its termination. It shall be understood that any Government party to the Agreement of 1907, has agreed, by becoming party to this protocol, to the termination of the Agreement of 1907.

Article 4

The parties to this protocol further agree that, if all the parties to the Agreement of 1907 have not agreed to its termination by 15 November, 1949, they will then, in accordance with Article 8 thereof, denounce the Agreement of 1907.

Article 5

Any Government party to the Agreement of 1907 which is not a signatory to this protocol may at any time accept this protocol by sending an instrument of acceptance to the Secretary-General of the United Nations, who will inform all signatory and other Governments which have accepted this protocol of such accession.

Article 6

Governments may become parties to this protocol by:—

- (a) signature without reservation as to approval;
- (b) signature subject to approval followed by acceptance; or
- (c) acceptance.

Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

* The Canadian instrument of acceptance of the Protocol was deposited on August 29, 1946.

IV

PROTOCOLE RELATIF À L'OFFICE INTERNATIONAL D'HYGIÈNE PUBLIQUE

Article Premier

Les Gouvernements signataires de ce Protocole conviennent, en ce qui les concerne, que les tâches et fonctions de l'Office International d'Hygiène Publique, telles que définies dans l'Arrangement signé à Rome le 9 décembre 1907, seront assumées par l'Organisation Mondiale de la Santé ou par la Commission Intérimaire de celle-ci et que, sous réserve des obligations internationales existantes, ils prendront les mesures nécessaires dans ce but.

Article 2

Les Parties à ce Protocole conviennent en outre, en ce qui les concerne, qu'à partir de la date de l'entrée en vigueur de ce Protocole les tâches et fonctions confiées à l'Office par les arrangements internationaux, figurant dans la liste de l'annexe I, seront assumées par l'Organisation ou la Commission Intérimaire de celle-ci.

Article 3

L'Arrangement de 1907 cessera d'exister et l'Office sera dissous lorsque toutes les Parties à l'Arrangement auront convenu d'y mettre fin. Il est entendu que tout Gouvernement, partie à l'Arrangement de 1907, aura, en devenant partie à ce Protocole, accepté de mettre fin à l'Arrangement de 1907.

Article 4

Les parties à ce Protocole conviennent en outre que, dans l'éventualité où toutes les parties à l'Arrangement de 1907 n'auraient pas donné leur consentement pour que ce dernier prit fin d'ici le 15 novembre 1949, elles devront alors, en application de l'article 8 de l'Arrangement en question, dénoncer l'Arrangement de 1907.

Article 5

Tout Gouvernement, partie à l'Arrangement de 1907 et non signataire de ce Protocole, pourra, à tout moment, accepter ce Protocole en adressant un instrument d'acceptation au Secrétaire Général des Nations Unies, lequel informera de cette adhésion tous les Gouvernements signataires ou ayant accepté ce Protocole.

Article 6

Les Gouvernements peuvent devenir parties à ce Protocole par:

- a) la signature, sans réserve d'approbation;
- b) la signature sous réserve d'approbation, suivie d'une acceptation;
- c) l'acceptation pure et simple.

L'acceptation s'effectuera par le dépôt d'un instrument officiel entre les mains du Secrétaire Général des Nations Unies.

* L'instrument d'acceptation du Protocole par le Canada a été déposé le 29 août, 1946.

Article 7

This protocol shall come into force when twenty Governments parties to the Agreement of 1907 have become parties to this protocol.

IN FAITH WHEREOF the duly authorized representatives of their respective Governments have signed the present protocol, which is drawn up in the English and French languages, both texts being equally authentic, in a single original which shall be deposited with the Secretary-General of the United Nations. Authentic copies shall be furnished by the Secretary-General of the United Nations to each of the signatory and accepting Governments and to any other Government which, at the time this protocol is signed, is a party to the Agreement of 1907. The Secretary-General will as soon as possible notify each of the parties to this protocol when it comes into force.

DONE in the City of New York this twenty-second day of July, 1946.

(*Here follow the names of the representatives for Argentina (ad referendum), Australia (subject to approval and acceptance), Belgium (subject to ratification), Bolivia, Brazil (ad referendum), the Byelorussian Soviet Socialist Republic, Canada (subject to approval), Chile (ad referendum), China, Colombia, Costa Rica, Cuba (ad referendum), Czechoslovakia (ad referendum), Denmark (ad referendum), the Dominican Republic (ad referendum), Ecuador (ad referendum), Egypt (subject to ratification), Ethiopia (subject to ratification), France (ad referendum), Greece (ad referendum), Guatemala (ad referendum), Haiti (ad referendum), Honduras (ad referendum), India (subject to ratification), Iran (subject to ratification), Iraq (ad referendum), Lebanon (ad referendum), Liberia (ad referendum), Luxembourg (subject to ratification), Mexico (ad referendum), the Netherlands (ad referendum), New Zealand (ad referendum), Nicaragua (ad referendum), Norway (ad referendum), Panama (ad referendum), Paraguay (ad referendum), Peru (ad referendum), Poland, the Republic of the Philippines, Saudi Arabia, Syria (subject to ratification), Turkey, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the Union of South Africa (ad referendum), the United Kingdom of Great Britain and Northern Ireland, the United States of America (subject to approval), Uruguay (ad referendum), Venezuela (ad referendum), Yugoslavia (with reservation as to ratification), and of the observers for Albania, Austria, Bulgaria, Eire (subject to acceptance), Finland, Italy (subject to ratification), Portugal (subject to ratification), Siam, Switzerland (subject to ratification), Transjordan.)*

Article 7

Ce Protocole entrera en vigueur lorsque vingt Gouvernements parties à l'Arrangement de 1907 seront devenus parties à ce Protocole.

EN FOI DE QUOI les Représentants dûment autorisés de leurs Gouvernements respectifs ont signé le présent Protocole, établi en langue anglaise et française, l'un et l'autre texte étant également authentiques, en un seul original, lequel sera déposé entre les mains du Secrétaire Général des Nations Unies. Des copies authentiques seront délivrées par le Secrétaire Général des Nations Unies à chacun des Gouvernements signataires ou ayant accédé et à tout autre Gouvernement qui, à la date de la signature de ce Protocole, sera partie à l'Arrangement de 1907. Le Secrétaire Général notifiera, aussitôt que possible, à chaque Gouvernement ayant accepté ce Protocole la date de son entrée en vigueur.

FAIT en la ville de New-York, ce vingt-deux juillet 1946.

(Suivent les noms des représentants de l'Argentine (ad referendum), l'Australie (sous réserve d'approbation et de ratification), la Belgique (sous réserve de ratification), la Bolivie, le Brésil (ad referendum), la République Socialiste Soviétique de Biélorussie, le Canada (sous réserve d'approbation), le Chili (ad referendum), la Chine, la Colombie, le Costa Rica, Cuba (ad referendum), la Tchécoslovaquie (ad referendum), le Danemark (ad referendum), la République Dominicaine (ad referendum), l'Équateur (ad referendum), l'Egypte (sous réserve de ratification), l'Ethiopie (sous réserve de ratification), la France (ad referendum), la Grèce (ad referendum), le Guatemala (ad referendum), Haïti (ad referendum), le Honduras (ad referendum), l'Inde (sous réserve de ratification), l'Iran (sous réserve de ratification), l'Irak (ad referendum), le Liban (ad referendum), le Libéria (ad referendum), le Luxembourg (sous réserve de ratification), le Mexique (ad referendum), les Pays-Bas (ad referendum), la Nouvelle-Zélande (ad referendum), le Nicaragua (ad referendum), la Norvège (ad referendum), le Panama (ad referendum), le Paraguay (ad referendum), le Pérou (ad referendum), la Pologne, la République des Philippines, l'Arabie Saoudite, la Syrie (sous réserve de ratification), la Turquie, la République Socialiste Soviétique d'Ukraine, l'Union des Républiques Socialistes Soviétiques, l'Union de l'Afrique du Sud (ad referendum), le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, les Etats-Unis d'Amérique (sous réserve d'approbation), l'Uruguay (ad referendum), le Venezuela (ad referendum), la Yougoslavie (sous réserve de ratification), et des observateurs pour l'Albanie, l'Autriche, la Bulgarie, l'Irlande (sous réserve de ratification), la Finlande, l'Italie (sous réserve de ratification), le Portugal (sous réserve de ratification), le Siam, la Suisse (sous réserve de ratification), le Transjordan.)

ANNEX I TO THE PROTOCOL

1. International Sanitary Convention of 21 June, 1926.
2. Convention Modifying the International Sanitary Convention of 21 June, 1926, signed 31 October, 1938.
3. International Sanitary Convention, 1944, Modifying the International Sanitary Convention of 21 June, 1926.
4. Protocol to Prolong the International Sanitary Convention, 1944 (opened for signature 23 April, 1946; in force, 30 April, 1946).
5. International Sanitary Convention for Aerial Navigation of 12 April, 1933.
6. International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of 12 April, 1933.
7. Protocol to Prolong the International Sanitary Convention for Aerial Navigation, 1944 (opened for signature 23 April, 1946; in force, 30 April, 1946).
8. International Agreement Relating to Facilities to be Accorded to Merchant Seamen in the Treatment of Venereal Diseases, Brussels, 1 December, 1924.
9. Convention on Traffic in Opium and Drugs, Geneva, 19 February, 1925.
10. Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, Geneva, 13 July, 1931.
11. Convention Relating to the Antidiphtheria Serum, Paris, 1 August, 1930.
12. International Convention for Mutual Protection against Dengue Fever, Athens, 25 July, 1934.
13. International Agreement for Dispensing with Bills of Health, Paris, 22 December, 1934.
14. International Agreement for Dispensing with Consular Visas on Bills of Health, Paris, 22 December, 1934.
15. International Agreement Concerning the Transport of Corpses, Berlin, 10 February, 1937.

ANNEXE I AU PROTOCOLE

1. Convention Sanitaire Internationale du 21 juin 1926.
2. Convention portant modification de la Convention Sanitaire Internationale du 21 juin, signée le 31 octobre 1938.
3. Convention Sanitaire Internationale de 1944, portant modification de la Convention Sanitaire Internationale du 21 juin 1926.
4. Protocole prorogeant la Convention Sanitaire Internationale de 1944 (ouvert à signature le 23 avril 1946; en vigueur le 30 avril 1946).
5. Convention Sanitaire Internationale pour la Navigation Aérienne du 12 avril 1933.
6. Convention Sanitaire Internationale pour la Navigation Aérienne de 1944, portant modification de la Convention Sanitaire Internationale pour la Navigation Aérienne du 12 avril 1933.
7. Protocole prorogeant la Convention Sanitaire Internationale pour la Navigation Aérienne de 1944 (ouvert à signature le 23 avril 1946; en vigueur le 30 avril 1946).
8. Arrangement international relatif aux facilités à donner aux marins du commerce pour le traitement des maladies vénériennes, Bruxelles, le 1er décembre 1924.
9. Convention de l'Opium, Genève, le 19 février 1925.
10. Convention pour limiter la fabrication et réglementer la distribution des stupéfiants, Genève, le 13 juillet 1931.
11. Convention relative au sérum antidiptérique, Paris, le 1er août 1930.
12. Convention internationale sur la protection mutuelle contre la fièvre dangue, Athènes, le 25 juillet 1934.
13. Arrangement international concernant la suppression des patentés de santé, Paris, le 22 décembre 1934.
14. Arrangement international concernant la suppression des visas consulaires sur les patentés de santé, Paris, le 22 décembre 1934.
15. Arrangement international concernant le transport des corps, Berlin, le 10 février 1937.

CANADA

TREATY SERIES, 1946

No. 33

EXCHANGE OF NOTES

(May 21 and July 13, 1946)

BETWEEN

CANADA AND BELGIUM

CONSTITUTING AN AGREEMENT
IN SETTLEMENT OF WAR CLAIMS

IN FORCE JULY 13, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946

CANADA

TREATY SERIES, 1946
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1946

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II. Note, dated July 13, 1946, from the Minister of Foreign Affairs for Belgium, to the Canadian Ambassador to Belgium.....	4

**EXCHANGE OF NOTES (MAY 21 AND JULY 13, 1946) BETWEEN
CANADA AND BELGIUM CONSTITUTING AN AGREEMENT
IN SETTLEMENT OF WAR CLAIMS**

I

*The Canadian Ambassador to Belgium to the Minister
of Foreign Affairs for Belgium*

CANADIAN EMBASSY

BRUSSELS, May 21, 1946.

EXCELLENCY,

I have the honour to refer to the basis of settlement reached between a representative of the Deputy Minister of National Defence and officials of the Belgian Government for payment by the Canadian Government for goods, services and facilities supplied by the Belgian Government to that part of the Canadian Army serving as part of the British Twenty-first Army Group in the North West European theatre of war, and claims made by Belgian nationals in respect of damage caused by members of the Canadian Army, but excluding moral turpitude and war damage claims, for the period from the date of arrival of the Canadian Army in Belgium until November 8th, 1945.

The Canadian Government has undertaken to pay twenty-five million, five hundred and fifteen thousand two hundred and thirty-two dollars in settlement of all claims of the Belgian Government against the Canadian Government in respect of goods, services and facilities supplied to that part of the Canadian Army serving in the North West European theatre of war, and claims made by Belgian nationals in respect of damage caused by members of the Canadian Army (excluding moral turpitude transpired and war damage claims) for the period from the date of arrival of the Canadian Army in Belgium until November 8th, 1945. Of the above amount of twenty-five million, five hundred and fifteen thousand two hundred and thirty-two dollars, an amount of nineteen million five hundred thousand dollars has been paid into the Bank of Canada, Ottawa, for credit of the Banque Nationale de Belgique. The balance of six million fifteen thousand two hundred and thirty-two dollars will be paid into the same account at any time at the request of the Belgian Government.

It is understood that the settlement set out above does not include payment due by the Belgian Government to the Canadian Government for civilian supplies furnished by the combined military authorities of the United States of America, the United Kingdom and Canada, to which reference was made in the Canadian Government's note No. 9 of April 4th, 1945, and subsequent communications.

I should be grateful if you would regard this note and your reply thereto as constituting agreement between the Canadian and Belgian Governments.

May I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

E. D'ARCY McGEE,
Counsellor, for the Canadian Ambassador.

II

*The Minister of Foreign Affairs for Belgium to the
Canadian Ambassador to Belgium*

MINISTÈRE DES AFFAIRES ÉTRANGÈRES ET DU COMMERCE EXTÉRIEUR

DIRECTION GÉNÉRALE DU COMMERCE EXTÉRIEUR

BRUXELLES, le 13 juillet 1946.

Monsieur l'AMBASSADEUR,

Par une lettre datée du 21 mai 1946, Votre Excellence a bien voulu me faire savoir ce qui suit:

"I have the honour to refer to the basis of settlement reached between a representative of the Deputy Minister of National Defence and officials of the Belgian Government for payment by the Canadian Government for goods, services and facilities supplied by the Belgian Government to that part of the Canadian Army serving as part of the British Twenty-first Army Group in the North West European theatre of war, and claims made by Belgian nationals in respect of damage caused by members of the Canadian Army, but excluding moral turpitude and war damage claims, for the period from the date of arrival of the Canadian Army in Belgium until November 8th, 1945.

"The Canadian Government has undertaken to pay twenty-five million, five hundred and fifteen thousand two hundred and thirty-two dollars in settlement of all claims of the Belgian Government against the Canadian Government in respect of goods, services and facilities supplied to that part of the Canadian Army serving in the North West European theatre of war, and claims made by Belgian nationals in respect of damage caused by members of the Canadian Army (excluding moral turpitude transpired and war damage claims) for the period from the date of arrival of the Canadian Army in Belgium until November 8, 1945. Of the above amount of twenty-five million, five hundred and fifteen thousand two hundred and thirty-two dollars, an amount of nineteen million five hundred thousand dollars has been paid into the Bank of Canada, Ottawa, for credit of the Banque Nationale de Belgique. The balance of six million fifteen thousand two hundred and thirty-two dollars will be paid into the same account at any time at the request of the Belgian Government.

"It is understood that the settlement set out above does not include payment due by the Belgian Government to the Canadian Government for civilian supplies furnished by the combined military authorities of the United States of America, the United Kingdom and Canada, to which reference was made in the Canadian Government's note No. 9 of April 4th, 1945, and subsequent communications.

"I should be grateful if you would regard this note and your reply thereto as constituting agreement between the Canadian and Belgian Governments."

J'ai l'honneur de faire savoir à Votre Excellence, que le Gouvernement belge marque son accord sur les termes de cette lettre.

Conformément à la proposition de Votre Excellence, cet échange de lettres sera considéré comme actant l'accord intervenu entre nos deux Gouvernements.

Je saisirai cette occasion, Monsieur l'Ambassadeur, de renouveler à Votre Excellence les assurances de ma très haute considération.

*Pour le Ministre:
Le Directeur Général,
SUETENS.*

(*Translation*)

Brussels, 13 July, 1946.

Excellency,

By letter dated May 21st, 1946, Your Excellency was kind enough to inform me as follows:

(*As in the Canadian note.*)

I have the honour to inform Your Excellency that the Belgian Government is in agreement with the terms of this letter.

As proposed by Your Excellency, this exchange of letters will be considered as placing on record the understanding between our two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

*For the Minister:
SUETENS,
Director General.*

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Canada-External Affairs, 1946

(CANADA)

TREATY SERIES, 1946

No. 34

AGREEMENT

BETWEEN

CANADA AND NEWFOUNDLAND

ON

AIR TRANSPORT
BETWEEN CANADA AND NEWFOUNDLAND

Signed at St. John's July 29, 1946

In Force July 29, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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1946

CANADA
—
TREATY SERIES, 1946
No. 34

AGREEMENT
BETWEEN
CANADA AND NEWFOUNDLAND
ON
AIR TRANSPORT
BETWEEN CANADA AND NEWFOUNDLAND

Signed at St. John's July 29, 1946

In Force July 29, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946

AGREEMENT BETWEEN THE GOVERNMENTS OF CANADA AND NEWFOUNDLAND ON AIR TRANSPORT BETWEEN CANADA AND NEWFOUNDLAND.

Signed at St. John's, July 29, 1946

The Governments of Canada and Newfoundland agree:

Article I

That an airline designated by the Government of Canada shall have the right to pick up and set down in Newfoundland, traffic carried between Canada and Newfoundland, and any other traffic which the Government of Newfoundland may from time to time indicate.

Article II

That the Government of Newfoundland shall grant permits for the duration of this Agreement, to the designated Canadian airline for the operation of a regional service between Canada and Newfoundland and for the operation over Newfoundland territory of a trans-Atlantic service.

Article III

For the purpose of this Agreement Trans-Canada Air Lines shall be deemed the airline designated by the Government of Canada.

Article IV

That the two Governments shall consult in respect of any further arrangements or agreements affecting the carriage of traffic by air on regional services between Newfoundland and North America.

Article V

The service provided by the designated Canadian airline on the regional operation between Newfoundland and Canada and the rates and regulations for the carriage of traffic thereon shall be comparable to those offered by Trans-Canada Air Lines in Canada; any fees which the Government of Newfoundland charges the designated Canadian airline for the use of bases and facilities in connection with the operation of this service shall be comparable to those charged Trans-Canada Air Lines in Canada.

Article VI

The conditions covering the carriage of mail by air to and from Newfoundland by the designated Canadian airline shall be agreed by the postal authorities of Canada and Newfoundland from time to time.

Article VII

The operation of the designated Canadian airline shall be conducted in accordance with the air customs and immigration regulations prevailing from time to time in Newfoundland and Canada.

Article VIII

The Government of Newfoundland shall exempt from customs duties and taxes all aircraft, engines, parts and accessories, radio, motor tank trucks, material for original construction and equipment of hangars and buildings at the aerodromes, and all other equipment necessary for the operation of its services which may be imported by the designated Canadian airline or by the Government of Canada, provided that this exemption from duties shall not apply to vehicles or equipment of any class used on public highroads other than motor tank trucks, nor to other articles or materials not specified above, e.g. office supplies and equipment, consumable stores, wearing apparel of all kinds, food-stuffs imported by or for the Company or to be used in any hostel or by its employees or passengers.

Article IX

The Government of Newfoundland shall permit the entry, free of duty and taxes, of special aviation fuel and petroleum products necessary for the operation of the aircraft on the services.

Article X

The Canadian Government shall have the right to operate an airfield in Newfoundland at Goose Bay and the airline services referred to in Article II may use this airfield and the airfield at Gander as regular or alternate points of call, it being understood that the terminal of the local service to Newfoundland shall be Torbay, unless otherwise agreed.

Article XI

At the airfield at Goose Bay the Government of Canada may construct buildings required for the administration of the airfield and the accommodation of personnel and traffic and may grant concessions for the operation of these buildings. In the granting of concessions and in the employment of labour at the field the Government of Canada shall, wherever possible, give priority to citizens of Newfoundland.

Article XII

In the event that the Government of Canada desires to use the airfield at Buchans for regional services, the Government of Canada may take the necessary steps to provide the accommodation and facilities necessary for the administration of the airfield, for personnel and traffic, and for the operation of such buildings as may be required. In the granting of concessions and in the employment of labour at the field the Government of Canada shall, wherever possible, give priority to citizens of Newfoundland.

Article XIII

Civil aircraft of Newfoundland shall have the right to use the airfield at Buchans on terms no less favourable than those applying to Canadian civil aircraft.

Article XIV

Any landing fees collected at Goose Bay and Buchans shall inure to the Government of Canada. Any profits arising out of the operation of these airfields shall be paid to the Government of Newfoundland.

Article XV

At any other air bases in Newfoundland which may be made available for commercial traffic, the Government of Canada shall be granted most favoured nation treatment.

Article XVI

The airfields at Goose Bay, Torbay and Buchans shall be made available as alternate bad weather airports for the air services of other nations on trans-Atlantic operations. The airfield at Torbay may also be designated by the Government of Newfoundland as a terminal for regional air services originating in North America. Additional commercial use over and above these designations may be determined by the two Governments from time to time.

Article XVII

This Agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization set up under the Interim Agreement on International Civil Aviation done at Chicago on December 7, 1944.

Article XVIII

If either Government considers it desirable to modify any provision or provisions of this Agreement, such modification may be made by direct agreement between the competent air authorities of the contracting parties, confirmed by exchange of notes.

Article XIX

Any dispute between the two Governments relating to the interpretation or application of this Agreement shall be referred for decision to the Interim Council in accordance with the provisions of Article III, Section 6 (8), of the Interim Agreement on International Civil Aviation done at Chicago on December 7, 1944, unless the Governments agree to settle the dispute by referring to an arbitral tribunal appointed by agreement between them, or to some other person or body. The Governments undertake to comply with the decision given.

Article XX

When the Convention on International Civil Aviation signed at Chicago on December 7, 1944, comes into operation in respect of both the two Governments, references in this Agreement to the Interim Agreement and the Interim Council shall be interpreted as references to the Convention and the Council. In the event of the conclusion of any other multilateral convention concerning air transport to which both Governments adhere, this Agreement shall be modified to conform with the provisions of such convention.

Article XXI

This Agreement shall continue in force subject to amendment from time to time as may be agreed by the two Governments, and subject to cancellation on twelve months' notice by either party.

Article XXII

This Agreement shall come into force on the date of signature.
Done in St. John's, Newfoundland, in duplicate this 29th day of July, 1946.

For the Government of Canada:

J. S. MACDONALD.

For the Government of Newfoundland:

J. S. NEILL.

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(CANADA)

TREATY SERIES, 1946

No. 35

EXCHANGE OF NOTES

(April 9, 1946)

BETWEEN

CANADA AND VENEZUELA

RENEWING

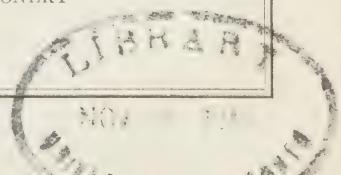
THE COMMERCIAL MODUS VIVENDI
OF MARCH 26, 1941

In Force April 9, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

Price: 25 cents



CANADA

TREATY SERIES, 1946

No. 35

EXCHANGE OF NOTES

(April 9, 1946)

BETWEEN

CANADA AND VENEZUELA

RENEWING

THE COMMERCIAL *MODUS VIVENDI*
OF MARCH 26, 1941

In Force April 9, 1946



OTTAWA
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KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

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**EXCHANGE OF NOTES (APRIL 9, 1946) BETWEEN CANADA AND
VENEZUELA PROVIDING FOR THE RENEWAL OF THE COM-
MERCIAL MODUS VIVENDI OF MARCH 26, 1941.***

I

*The British Ambassador to Venezuela
to the Acting Minister for Foreign Affairs of Venezuela*

BRITISH EMBASSY

Caracas, 9th April, 1946.

No. 62.
Sir,

With reference to my Note No. 35 of the 9th April, 1945, I have the honour to place on record that I have been authorized by His Majesty's Government in Canada, and in mutual accord with the Government of Venezuela, to renew without modification for a further period of one year, that is to say until April 9, 1947, the *modus vivendi* which regulates the commercial relations between the two countries, signed at Caracas on March 28, 1941.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

GEORGE OGILVIE-FORBES,
British Ambassador to Venezuela.

II

*The Acting Foreign Minister of Venezuela
to the British Ambassador to Venezuela*

(Translation)

MINISTRY OF FOREIGN AFFAIRS—DEPARTMENT OF POLITICAL ECONOMY
ECONOMIC SECTION

Caracas, 9th April, 1946.

No. 01233 E.

Mr. Ambassador,

I have the honour to place on record by the present note that I have been authorized by my Government to renew without modifications for a period of one year, until the 7th April, 1947, the commercial *modus vivendi* concluded between the United States of Venezuela and Canada, at Caracas, the 26th March, 1941.

I avail myself of the occasion to renew to Your Excellency the assurances of my highest consideration.

CARLOS MORALES,
Acting Foreign Minister of Venezuela.

*For the text of the *modus vivendi* of March 26, 1941, see *Canada Treaty Series* 1941, No. 5.

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CANADA

TREATY SERIES, 1946

No. 36

EXCHANGE OF NOTES

(July 31, 1946)

BETWEEN

CANADA

AND THE

UNION OF SOUTH AFRICA

AMENDING

FOR THE PERIOD

AUGUST 1st TO DECEMBER 31st, 1946
THE TRADE AGREEMENT BETWEEN

THE TWO COUNTRIES
OF AUGUST 20th, 1932

AS REGARDS DUTY ON ORANGES
IMPORTED INTO CANADA

Effective August 1, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

Price: 25 cents



CANADA

TREATY SERIES, 1946

No. 36

EXCHANGE OF NOTES

(July 31, 1946)

BETWEEN

CANADA

AND THE

UNION OF SOUTH AFRICA

AMENDING

FOR THE PERIOD

AUGUST 1st TO DECEMBER 31st, 1946
THE TRADE AGREEMENT BETWEEN

THE TWO COUNTRIES

OF AUGUST 20th, 1932

AS REGARDS DUTY ON ORANGES
IMPORTED INTO CANADA

Effective August 1, 1946



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1946

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AUGUST 1ST TO DECEMBER 31ST, 1946, THE TRADE AGREEMENT
BETWEEN THE TWO COUNTRIES OF AUGUST 20TH, 1932,
AS REGARDS DUTY ON ORANGES IMPORTED INTO CANADA.***

I

*The Secretary for External Affairs of the Union of South Africa
to the Acting High Commissioner for Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

Pretoria, 31st July, 1946.

Sir,

I have the honour to refer to your letter of the 12th July, 1946, wherein you advised me of the Canadian Government's desire that the preference of 35 cents per cubic foot on oranges which is guaranteed to the Union by virtue of the Trade Agreement concluded between the Union and Canadian Governments at Ottawa on the 20th August, 1932, should be further suspended during the period 1st August to 31st December, 1946, inclusive.

I now have the honour to inform you that the Union Government agree to the further suspension of this duty during the period 1st August to 31st December, 1946, inclusive.

This Note and your confirmatory reply thereto will be regarded as constituting an agreement between our two Governments in the matter, it being understood that this Agreement shall lapse if not approved by resolution of both Houses of Parliament of the Union of South Africa in terms of the Union's Customs Legislation.

I have the honour to be,

Sir,

Your obedient servant,

D. D. FORSYTH,
Secretary for External Affairs.

* For the text of the Trade Agreement of 1932, see *Canada Treaty Series* 1933, No. 4.

II

*The Acting High Commissioner for Canada
to the Secretary for External Affairs
of the Union of South Africa*

Pretoria, July 31, 1946.

OFFICE OF THE HIGH COMMISSIONER FOR CANADA

Sir,

I have the honour to acknowledge receipt of your Note of July 31, 1946, reading as follows:—

"I have the honour to refer to your letter of the 12th July, 1946, wherein you advised me of the Canadian Government's desire that the preference of 35 cents per cubic foot on oranges which is guaranteed to the Union by virtue of the Trade Agreement concluded between the Union and Canadian Governments at Ottawa on the 20th August, 1932, should be further suspended during the period 1st August to 31st December, 1946, inclusive.

I now have the honour to inform you that the Union Government agree to the further suspension of this duty during the period 1st August to 31st December, 1946, inclusive.

This Note and your confirmatory reply thereto will be regarded as constituting an agreement between our two Governments in the matter, it being understood that this Agreement shall lapse if not approved by resolution of both Houses of Parliament of the Union of South Africa in terms of the Union's Customs Legislation."

I am authorized by my Government to inform you that they accept the arrangement set out in the above Note and agree that your Note and this reply shall constitute an agreement between the Government of Canada and the Government of the Union of South Africa, which shall enter into force with effect from August 1, 1946, subject to the condition mentioned, and which may be subject to renewal by mutual accord.

I have the honour to be,

Sir,

Your obedient servant,

A. J. PICK,
Acting High Commissioner for Canada.

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Canada. External

CANADA

TREATY SERIES, 1946

No. 37

EXCHANGE OF NOTES

(September 26, 1946)

BETWEEN

CANADA AND CHINA

CONSTITUTING

A COMMERCIAL *MODUS VIVENDI*
BETWEEN THE TWO COUNTRIES

Came into force September 26, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.P.
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

CANADA

TREATY SERIES, 1946
No. 37

EXCHANGE OF NOTES

(September 26, 1946)

BETWEEN

CANADA AND CHINA

CONSTITUTING

A COMMERCIAL *MODUS VIVENDI*
BETWEEN THE TWO COUNTRIES

Came into force September 26, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
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AND CHINA CONSTITUTING A COMMERCIAL MODUS VIVENDI
BETWEEN THE TWO COUNTRIES.**

The Canadian Ambassador to China to the Minister of Foreign Affairs of China

CANADIAN EMBASSY

NANKING, September 26, 1946.

EXCELLENCY,

Conforming to the desire of the Government of China and the Government of Canada to further extend and increase the flow of trade between their two countries, I have the pleasure to propose to Your Excellency on behalf of the Canadian Government, the following Commercial *Modus Vivendi*:

1. Articles, the growth, produce or manufacture of China shall not, on importation into Canada, be subject to higher duties or charges than those levied or which may hereafter be levied on like articles, the growth, produce or manufacture of any other foreign country.
2. The advantages now accorded, or which may hereafter be accorded by Canada exclusively to other territories under the sovereignty of His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, or under His Majesty's suzerainty, protection or mandate, shall be excepted from the operation of this agreement.
3. Articles, the growth, produce or manufacture of Canada shall not, on importation into China, be subject to higher duties or charges than those levied or which may hereafter be levied on like articles, the growth, produce or manufacture of any other foreign country.
4. The advantages now accorded or which may hereafter be accorded by China to adjacent countries in order to facilitate frontier traffic shall be excepted from the operation of this agreement.
5. Articles, the growth, produce or manufacture of either country imported into the other shall in no case be subject in matters concerning customs duties and subsidiary charges, or as regards the methods of levying such duties and the rules and formalities connected with importation, and with respect to the laws and regulations affecting the taxation, sale, distribution or use of imported goods, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome than those to which the like articles the growth, produce or manufacture of any third country are or may hereafter be subject.
6. It is understood that the present Note and Your Excellency's reply will constitute an agreement between the two Governments which will enter into force, on the date of the exchange of the present notes, and, if a Trade Agreement is not concluded before, will remain in force for one year to the Twenty-sixth day of September, 1947, and thereafter will remain in force subject to termination by either Government at any time on giving three months' notice.

I am, Sir, with the assurance of my highest consideration,

VICTOR W. ODLUM

II

The Minister of Foreign Affairs of China to the Canadian Ambassador to China

MINISTRY OF FOREIGN AFFAIRS

NANKING, September 26, 1946.

EXCELLENCY,

I have the honour to acknowledge receipt of Your Excellency's Note of to-day's date reading as follows:

"Conforming to the desire of the Government of China and the Government of Canada to further extend and increase the flow of trade between their two countries, I have the pleasure to propose to Your Excellency on behalf of the Canadian Government, the following Commercial *Modus Vivendi*:

1. Articles, the growth, produce or manufacture of China shall not, on importation into Canada, be subject to higher duties or charges than those levied or which may hereafter be levied on like articles, the growth, produce or manufacture of any other foreign country.

2. The advantages now accorded, or which may hereafter be accorded by Canada exclusively to other territories under the sovereignty of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, or under His Majesty's suzerainty, protection or mandate, shall be excepted from the operation of this Agreement.

3. Articles, the growth, produce or manufacture of Canada shall not, on importation into China, be subject to higher duties or charges than those levied or which may hereafter be levied on like articles, the growth, produce or manufacture of any other foreign country.

4. The advantages now accorded or which may hereafter be accorded by China to adjacent countries in order to facilitate frontier traffic shall be excepted from the operation of this Agreement.

5. Articles, the growth, produce or manufacture of either country imported into the other shall in no case be subject in matters concerning customs duties and subsidiary charges, or as regards the methods of levying such duties and the rules and formalities connected with importation, and with respect to the laws and regulations affecting the taxation, sale, distribution or use of imported goods, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome than those to which the like articles, the growth, produce or manufacture of any third country are or may hereafter be subject.

6. It is understood that the present Note and Your Excellency's reply will constitute an agreement between the two Governments which will enter into force on the date of the Exchange of the present Notes and, if a Trade Agreement is not concluded before, will remain in force for one year to the Twenty-sixth day of September, 1947, and thereafter will remain in force subject to termination by either Government at any time on giving three months' notice.

I am, Sir, with the assurance of my highest consideration."

I have the honour on behalf of the Chinese Government to accept the proposals as stated in the above Note from Your Excellency.

I am, Sir, with assurance of my highest consideration.

WANG SHIH-CHIEH

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Canada. External Affairs Dept.

(CANADA)

TREATY SERIES, 1946

No. 38

EXCHANGE OF NOTES

(July 19 and August 13, 1946)

BETWEEN

CANADA AND AUSTRALIA

AMENDING

FOR THE PERIOD AUGUST 13
TO DECEMBER 31, 1946, THE
TRADE AGREEMENT BE-
TWEEN THE TWO COUNTRIES
OF JULY 8, 1931, AS REGARDS
DUTY ON ORANGES IM-
PORTED INTO CANADA

Effective August 13, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.
KING'S PRINTER AND CONTROLLER OF STATIONERY
1947



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TREATY SERIES, 1946

No. 38

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(July 19 and August 13, 1946)

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CANADA AND AUSTRALIA

AMENDING

FOR THE PERIOD AUGUST 13
TO DECEMBER 31, 1946, THE
TRADE AGREEMENT BE-
TWEEN THE TWO COUNTRIES,
OF JULY 8, 1931, AS REGARDS
DUTY ON ORANGES IM-
PORTED INTO CANADA

Effective August 13, 1946



OTTAWA

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CANADA AND AUSTRALIA AMENDING FOR THE PERIOD
AUGUST 13 TO DECEMBER 31, 1946, THE TRADE AGREEMENT
BETWEEN THE TWO COUNTRIES OF JULY 8, 1931, AS
REGARDS DUTY ON ORANGES IMPORTED IN CANADA.**

I

*The Acting High Commissioner for Canada in Australia
to the Secretary of State for External Affairs of Australia*

OFFICE OF THE HIGH COMMISSIONER FOR CANADA

Canberra, July 19, 1946.

No. 15

Sir,

I have the honour to refer to your letter No. ER, 45/2/4/11, of July 20, 1945, in which you were good enough to convey the agreement of the Australian Government to the suspension of the Canadian custom duty of 35 cents per cubic foot imposed upon oranges from the United States and to state that the Canadian Government proposes again to suspend this duty on oranges from non-British Empire countries for the further temporary period from August 1 to December 31 of this year.

2. The Canadian Government is aware that the Canadian Australian Trade Agreement* provides for a margin of preference during these months but it is pointed out that exports of oranges from Australia to Canada practically ceased during the war and there seems little likelihood of oranges from Australia or other duty-free sources being available during the six months referred to above. As oranges are pressing closely against the price ceiling in Canada, it is the desire of the Canadian Government to suspend the duty temporarily in order to prevent a rise of prices during the months concerned. It would be appreciated if the Australian Government would again concur in the proposed course of action.

3. I would be glad if you could let me have an early reply in this matter.

I have the honour to be,

Sir,

Your obedient servant,

C. M. CROFT,

Acting High Commissioner for Canada.

*For the text of the Agreement, see Canada Treaty Series, 1931, No. 5.

II

*The Acting Secretary of State for External Affairs of Australia
to the Acting High Commissioner for Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

Canberra, 13th August, 1946.

Sir,

I have the honour by direction, to refer to your letter of 19th July, concerning suspension of the Canadian Customs duty on oranges during the period August to December of this year.

In reply, I have to advise that the Commonwealth Government concurs in the proposed suspension. This concurrence is, however, subject to the qualification that suspension is not to be interpreted in any way which would prejudice Australia's bargaining position in the forthcoming international trade negotiations.

In concurring in the proposed suspension, I am directed to express the wish of the Commonwealth Government that the Canadian Government will not press for any further suspension of the foreign import duty on oranges beyond 31st December, 1946.

I have the honour to be,

Sir,

Your obedient servant,

A. S. WATT,
*Acting Secretary of State
for External Affairs.*

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Canada External Affairs Dept.



TREATY SERIES, 1946
No. 39

EXCHANGE OF NOTES

(October 22, 1946)

BETWEEN

CANADA

AND

THE UNION OF SOUTH AFRICA

AMENDING

FOR THE PERIOD SEPTEMBER 1st, 1946 TO
MARCH 31st, 1947 THE TRADE AGREEMENT
BETWEEN THE TWO COUNTRIES
OF AUGUST 20th, 1932, AS REGARDS
CARPET WOOL IMPORTED INTO CANADA

Effective as from September 1, 1946



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TREATY SERIES, 1946

No. 39

EXCHANGE OF NOTES

(October 22, 1946)

BETWEEN

CANADA

AND

THE UNION OF SOUTH AFRICA

AMENDING

FOR THE PERIOD SEPTEMBER 1st, 1946 TO
MARCH 31st, 1947 THE TRADE AGREEMENT
BETWEEN THE TWO COUNTRIES
OF AUGUST 20th, 1932, AS REGARDS
CARPET WOOL IMPORTED INTO CANADA

Effective as from September 1, 1946



OTTAWA

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PERIOD SEPTEMBER 1, 1946, TO MARCH 31, 1947, THE TRADE
AGREEMENT BETWEEN THE TWO COUNTRIES OF AUGUST 20,
1932, AS REGARDS CARPET WOOL IMPORTED INTO CANADA***

I

*The Acting Secretary for External Affairs of the Union of South Africa
to the Acting High Commissioner for Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

PRETORIA, October 22, 1946.

SIR,

I have the honour to refer to your letter of the 9th September, 1946, in regard to your Government's desire that the Union Government should agree to a temporary variation of the provisions of Article IV of the Union-Canadian Trade Agreement concluded at Ottawa on the 20th August, 1932, whereby the Canadian Government would be permitted to suspend, as from 1st September, 1946, to 31st March, 1947, the duty of 10 cents per pound weight leviable on wool, other than Karakul, in grease, or scour, when imported into Canada by carpet manufacturers, for use exclusively in the manufacture of carpets in their own factories, from countries whose products are subject to the intermediate rate of duty in the Canadian Customs Tariff.

I now have the honour to inform you that the Union Government agree to the temporary suspension during the period stated of the preferential duty of 10 cents per pound weight on wool other than Karakul, in grease, or scour, when imported by carpet manufacturers for use exclusively in the manufacture of carpets in their own factories.

This Note and your confirmatory reply thereto will be regarded as constituting an agreement between our two Governments in the matter, it being understood that this Agreement shall lapse if not approved by resolution of both Houses of Parliament of the Union of South Africa in terms of the Union's Customs Legislation.

I have the honour to be,

Sir,

Your obedient servant,

J. D. POHL,

Acting Secretary for External Affairs.

* For the text of the Trade Agreement of 1932, see *Canada Treaty Series*, 1933, No. 4.

II

*The Acting High Commissioner for Canada
to the Acting Secretary for External Affairs of the Union of South Africa*

OFFICE OF THE HIGH COMMISSIONER FOR CANADA

PRETORIA, October 22, 1946.

SIR,

I have the honour to acknowledge receipt of your Note of October 22, 1946, reading as follows:

"I have the honour to refer to your letter of the 9th September, 1946, in regard to your Government's desire that the Union Government should agree to a temporary variation of the provisions of Article IV of the Union-Canadian Trade Agreement concluded at Ottawa on the 20th August, 1932, whereby the Canadian Government would be permitted to suspend, as from 1st September, 1946, to 31st March, 1947, the duty of 10 cents per pound weight leviable on wool, other than Karakul, in grease, or scour, when imported into Canada by carpet manufacturers, for use exclusively in the manufacture of carpets in their own factories, from countries whose products are subject to the intermediate rate of duty in the Canadian Customs Tariff.

"I now have the honour to inform you that the Union Government agree to the temporary suspension during the period stated of the preferential duty of 10 cents per pound weight on wool, other than Karakul, in grease, or scour, when imported by carpet manufacturers for use exclusively in the manufacture of carpets in their own factories.

"This Note and your confirmatory reply thereto will be regarded as constituting an agreement between our two Governments in the matter, it being understood that this Agreement shall lapse if not approved by resolution of both Houses of Parliament of the Union of South Africa in terms of the Union's Customs Legislation."

I am authorized by my Government to inform you that they accept the arrangement set out in the above Note and agree that your Note and this reply shall constitute an agreement between the Government of Canada and the Government of the Union of South Africa, which shall enter into force with effect from September 1, 1946, subject to the condition mentioned.

I have the honour to be,
Sir,
Your obedient servant,

A. J. PICK,
Acting High Commissioner for Canada.

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Canada External Affairs Series

(CANADA)

TREATY SERIES, 1946
No. 40

EXCHANGE OF NOTES

(November 18 and December 5, 1946)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

RELATING TO

THE APPLICATION AND INTERPRETATION
OF THE (RUSH-BAGOT) AGREEMENT OF 1817
CONCERNING
THE NAVAL FORCES ON THE GREAT LAKES

Came into force December 5, 1946



OTTAWA
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KING'S PRINTER AND CONTROLLER OF STATIONERY
1947



Price, 25 cents

CANADA

TREATY SERIES, 1946
No. 40

EXCHANGE OF NOTES

(November 18 and December 5, 1946)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

RELATING TO

THE APPLICATION AND INTERPRETATION
OF THE (RUSH-BAGOT) AGREEMENT OF 1817
CONCERNING
THE NAVAL FORCES ON THE GREAT LAKES

Came into force December 5, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
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**EXCHANGE OF NOTES (NOVEMBER 18 AND DECEMBER 5, 1946)
BETWEEN CANADA AND THE UNITED STATES OF AMERICA
RELATING TO THE APPLICATION AND INTERPRETATION OF
THE (RUSH-BAGOT) AGREEMENT OF 1817 CONCERNING
THE NAVAL FORCES ON THE GREAT LAKES.***

I

*The Canadian Ambassador to the United States
to the Secretary of State of the United States*

CANADIAN EMBASSY

WASHINGTON, November 18, 1946.

No. 421

SIR,

You will recall that the Rush-Bagot Agreement of 1817 has been the subject of discussion between our Governments on several occasions in recent years and that notes were exchanged in 1939, 1940 and 1942† relating to the application and interpretation of this Agreement. It has been recognized by both our Governments that the detailed provisions of the Rush-Bagot Agreement are not applicable to present day conditions, but that as a symbol of friendly relations extending over a period of nearly one hundred and thirty years the Agreement possesses great historic importance. It is thus the spirit of the Agreement rather than its detailed provisions which serves to guide our Governments in matters relating to naval forces on the Great Lakes.

Discussions have taken place in the Permanent Joint Board on Defence with regard to the stationing on the Great Lakes of naval vessels for the purpose of training naval reserve personnel. The naval authorities of both our Governments regard such a course as valuable from the point of view of naval training and the Board has recorded its opinion that such action would be consistent with the spirit of existing agreements. The Canadian Government concurs in this opinion.

In order that the views of our two Governments may be placed on record, I have the honour to propose that the stationing of naval vessels on the Great Lakes for training purposes by either the Canadian Government or the United States Government shall be regarded as consistent with the spirit of the Rush-Bagot Agreement provided that full information about the number, disposition, functions and armament of such vessels shall be communicated by each Government to the other in advance of the assignment of vessels to service on the Great Lakes. If your Government concurs in this view, this note and your reply thereto shall be regarded as constituting a further interpretation of the Rush-Bagot Agreement accepted by our two Governments.

Accept, Sir, the renewed assurances of my highest consideration.

H. H. WRONG,
Canadian Ambassador.

* For the text of the Rush-Bagot Agreement of 1817, see "Treaties affecting Canada in force between His Majesty and the United States of America", Ottawa, King's Printer, 1927, p. 12.

† For the text of the Exchange of Notes see *Canada Treaty Series*, 1940, No. 12 and 1942, No. 3.

II

*The Acting Secretary of State of the United States
to the Canadian Ambassador to the United States*

DEPARTMENT OF STATE

WASHINGTON, December 5, 1946.

EXCELLENCY:

I have the honor to acknowledge the receipt of your note No. 421 of November 18, 1946, in which you advised me that your Government has proposed a further interpretation of the detailed provisions of the Rush-Bagot Agreement. My Government is in complete accord with yours as to the historic importance of this Agreement as a symbol of the friendship between our two countries and agrees that it is the spirit of this Agreement which guides our Governments in matters relating to naval forces on the Great Lakes.

I am now pleased to inform you that my Government concurs with your proposal, namely, that the stationing of naval vessels on the Great Lakes for training purposes by either the Canadian Government or the United States Government shall be regarded as consistent with the spirit of the Rush-Bagot Agreement provided that full information about the number, disposition, functions and armament of such vessels shall be communicated by each Government to the other in advance of the assignment of vessels to service on the Great Lakes.

Accept, Excellency, the renewed assurances of my highest consideration.

DEAN ACHESON,
Acting Secretary of State.

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Canada. External Affairs, Dept. 8

(CANADA)

TREATY SERIES, 1946
No. 41

SUPPLEMENTARY EXCHANGE OF NOTES

(November 7 and December 30, 1946)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

REGARDING

THE DISPOSAL OF THE CANOL PROJECT

Effective, March 1, 1947



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., LL.B.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1947



Price, 25 cents

CANADA

TREATY SERIES, 1946

No. 41

SUPPLEMENTARY EXCHANGE OF NOTES

(November 7 and December 30, 1946)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

REGARDING

THE DISPOSAL OF THE CANOL PROJECT

Effective, March 1, 1947



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1947

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**SUPPLEMENTARY EXCHANGE OF NOTES (NOVEMBER 7 AND
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STATES OF AMERICA REGARDING THE DISPOSAL OF THE
CANOL PROJECT.**

I

*The Ambassador of the United States of America to Canada
to the Secretary of State for External Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

OTTAWA, November 7, 1946.

No. 593

SIR:

I have the honor to refer to your note No. 83, dated August 31, 1945, and to my note No. 366, dated September 6, 1945, in regard to the crude oil pipeline from Norman Wells, Northwest Territories, to Whitehorse, Yukon Territory, and the refinery at Whitehorse, which together with equipment pertaining thereto, have been referred to as the crude oil facilities of the Canol Project. My reply of September 6 confirmed the understanding that the United States would at a later date submit to the Canadian Government plans for the disposition of these facilities.

In accordance with the understanding referred to, there are set forth in this note proposed plans for disposal which, it is hoped, will prove acceptable to your Government. These proposals have been drawn up to give effect to the underlying principle, that, as military considerations are no longer paramount, disposal should be accomplished in a manner designed to recover the fair monetary value of facilities.

It will be recalled that in the exchange of notes of June 27-29, 1942, the two Governments agreed that if neither the Canadian Government nor any private company desired to purchase the crude oil pipeline and refinery, the disposition of both facilities should be referred to the Permanent Joint Board on Defense for consideration and recommendation. It was further agreed in the same exchange of notes that the two Governments would not themselves order or allow the dismantling of either the pipeline or the refinery unless and until approval for dismantlement should be recommended by the Permanent Joint Board on Defense.

In the foregoing connection I understand that it is the view of the competent military authorities of our two countries that the crude oil facilities of the Canol Project no longer have defense value. Accordingly, it seems apparent that the above referred to provisions relating to the Permanent Joint Board are now unnecessary and should be annulled in order that the disposal authorities may have maximum freedom of action. My Government hopes that the Canadian Government will concur in this view and will agree to the annulment of those provisions, thereby permitting dismantlement of the facilities if that course should be desired by the United States authorities or its successors in interest. In the event that the Canadian Government concurs in the foregoing, my Government further desires to propose the following plans to cover the disposition of the crude oil facilities of the Canol Project:

1. It is proposed to advertise the sale of the crude oil facilities in the press of both Canada and the United States. The following general principles will be observed in selling and disposing of the facilities.

A. (i) The United States Government may, if it so desires, transfer the crude oil facilities of the Canol Project, or any part thereof, to private ownership, subject to the laws of Canada and the territory or territories in which such facilities are situate. Such transfer shall be exempted from import duties and excise taxes.

(ii) The land, rights of way, riparian rights and other easements, supplied by and owned by the Canadian Government and required for the satisfactory utilization of the facilities, may be leased or acquired by the purchaser or purchasers on equitable terms from the Canadian Government under the laws of Canada and the territory or territories concerned.

(iii) The land, rights of way, riparian rights and other easements, supplied by but not owned by the Canadian Government and required for the satisfactory utilization of the facilities, will be acquired by the Canadian Government and transferred to the purchaser or purchasers at his or their expense if such purchaser or purchasers are unable to lease or acquire such land, rights of way, riparian rights and easements on equitable terms from the owners.

(iv) Subject to the foregoing clauses (ii) and (iii) of this paragraph, the purchaser or purchasers shall enjoy the rights set forth in paragraph 3 (b) of my note of June 7, 1944, as interpreted by section 4 of the same note.

(v) The facilities, together with the land, rights of way, riparian rights and other easements leased or acquired by the new owner or owners shall be held and, if operated, shall be operated under the laws of Canada and the territory or territories in which they are situate. No owner, however, would be obligated to operate the facilities.

B. If the United States Government does not dispose of any or all of the facilities under the terms of paragraph A above, the Government, its agents, or its successors in interest may remove from Canada such of the facilities as they may elect to remove for use in the United States or elsewhere. It is understood that if the United States, its agents, or its successors in interest do elect to remove any or all of the facilities, the Canadian Government will facilitate such operations by providing for continuance of the rights referred to under paragraph 4 (b) and 4 (d) of the American note of June 27, 1942. It is not intended to give either A or B above precedence or priority over the other since the governing factor will be the amount bid.

C. The Government of Canada may purchase from the United States through the appropriate governmental agencies such of the facilities not disposed of under A or B as that Government may desire to obtain for its own use or disposition.

D. Any of the facilities not disposed of under paragraphs A, B, and C above, after a period of two years from the date of this agreement, shall, at the option of the United States, either be removed from Canada by the United States authorities or shall be left *in situ* and regarded as of no value unless put to beneficial use. The principle is recognized that if any such property should thereafter be put to beneficial use the United States Government should receive fair compensation.

2. In view of certain provisions of the Surplus Property Act of 1944, it is proposed that the provisions of this note and your reply agreeing thereto constitute an arrangement between our two Governments effective at a date mutually to be agreed upon, such date to be not less than thirty days from the date of your reply. It is further proposed that the arrangement shall be effective only if neither Government has, before the date referred to in the preceding sentence, expressed a desire for any change in the lettered paragraphs A through D above.

Accept, Sir, the renewed assurances of my highest consideration.

RAY ATHERTON.

II

*The Secretary of State for External Affairs
to the Ambassador of the United States of America*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, December 30, 1946.

No. 168

EXCELLENCY,

I have the honour to acknowledge the receipt of your note No. 593 of November 7 in which you make certain proposals with regard to the disposal of the Canol Project.

2. The proposals made in your note under reference have been examined by the appropriate authorities of the Canadian Government and it gives me pleasure to inform you that those proposals are accepted. It is therefore agreed that the provisions of your note and this reply constitute an agreement between our two Governments which shall be effective at a date mutually to be agreed upon, such date to be not before January 29, 1947, thirty days from the date of this note. It is further agreed that the arrangement shall be effective only if neither Government has, before the effective date of this arrangement, expressed a desire for any change in the lettered paragraphs A through D of your note No. 593.

Accept, Excellency, the renewed assurances of my highest consideration.

R. M. MACDONNELL,
*For the Secretary of State
for External Affairs.*

III

*The Acting Under Secretary of State for External Affairs
to the Ambassador of the United States of America*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, December 30, 1946.

DEAR MR. ATHERTON,

May I refer to the exchange of notes dated November 7 and December 30, 1946, which provides for the disposal of the Canol crude oil facilities, and particularly to section ID of your note No. 593.

It is the understanding of the Canadian Government that neither Section ID nor any other provision of your note under reference imposes on Canada any responsibility for the custody of any of the Canol facilities at any time in the future. Further, it is our understanding that the Canadian Government does not accept responsibility for the payment of fair compensation to the United States Government should, at any time after the two-year period, it be brought to our attention that any of the Canol facilities are being put to beneficial use by private interests.

I should be grateful if you would confirm that this is the interpretation which has been placed on this agreement by your Government.

Yours sincerely,

R. M. MACDONNELL,
*Acting Under Secretary of State
for External Affairs.*

IV

*The Ambassador of the United States of America
to the Acting Under Secretary of State for External Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

OTTAWA, December 30, 1946.

DEAR MR. MACDONNELL:

I have received your letter of December 30, 1946, referring to the exchange of notes dated November 7 and December 30, 1946, which provides for the disposal of the Canol crude oil facilities and particularly to section ID of my note, and setting forth the interpretation which has been placed on this agreement by your Government.

I am pleased to inform you that my Government is in agreement with the interpretation of this agreement as set forth in your letter under reference.

Yours sincerely,

RAY ATHERTON.

V

*The Ambassador of the United States of America
to the Secretary of State for External Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

OTTAWA, March 5, 1947.

No. 656

SIR:

I have the honor to refer to your Note No. 168 of December 30, 1946, in which you informed me that the Canadian Government was agreeable to certain proposals which had been made by the United States Government with regard to the disposition of the crude oil facilities of the Canol project, which had been transmitted to you by my Note No. 593 of November 7, 1946. In the exchange of notes in question it was provided that the agreement thus arrived at should become effective at a date mutually to be agreed upon.

I have now been instructed to inform you that the United States Government suggests March 1, 1947 as the effective date of the agreement. If this date is agreeable to the Canadian Government, it is proposed that this note and your reply thereto in that sense shall fix March 1, 1947 as the effective date of the agreement between the Canadian and American Governments relative to the disposal of the Canol Crude oil facilities.

Accept, Sir, the renewed assurances of my highest consideration.

RAY ATHERTON.

VI

*The Secretary of State for External Affairs
to the Ambassador of the United States of America*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, March 6, 1947.

No. 30

EXCELLENCY:

I have the honour to refer to your Note No. 656 of March 5 and to inform you that the Canadian Government concurs in the suggestion of the United States Government that March 1, 1947, be designated as the effective date of the agreement between Canada and the United States set forth in the supplementary Exchange of Notes regarding the disposal of the crude oil facilities of the Canol project signed at Ottawa, November 7 and December 30, 1946.

It is agreed that your Note and this reply shall fix March 1, 1947, as the effective date of the agreement between the two Governments relative to the disposal of the Canol crude oil facilities.

Accept, Excellency, the renewed assurances of my highest consideration.

L. B. PEARSON,
*for the Secretary of State
for External Affairs.*

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TREATY SERIES, 1946

No. 42

EXCHANGE OF NOTES

(September 28 and November 13/15, 1946)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

RECORDING AN AGREEMENT
FOR THE WAIVER OF CLAIMS
ARISING FROM MARITIME COLLISIONS
INVOLVING VESSELS OF THE TWO COUNTRIES

Came into force November 15, 1946



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1947

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**EXCHANGE OF NOTES (SEPTEMBER 28 AND NOVEMBER 13/15, 1946)
BETWEEN CANADA AND THE UNITED STATES OF AMERICA
RECORDING AN AGREEMENT FOR THE WAIVER OF CLAIMS
ARISING FROM MARITIME COLLISIONS INVOLVING VESSELS
OF THE TWO COUNTRIES.**

1

*The Canadian Ambassador to the United States of America to the
Acting Secretary of State of the United States*

CANADIAN EMBASSY

No. 348

WASHINGTON, September 28, 1946.

SIR,

With reference to the exchange of notes of May 25 and 26, 1943, between the Governments of Canada and of the United States of America recording an agreement for the waiver of claims from collisions between vessels of war,* I have the honour to inform you that the Government of Canada is prepared to give effect to an agreement in the following terms:

Article 1

In this Agreement the expression "Government vessel" means a vessel (including a vessel of war), flying-boat or drydock owned by or under bareboat charter to, requisitioned by, demised to, or otherwise operated by, either Government, its servant, agent or instrumentality on bareboat terms or chartered to or otherwise operated by or for such Government on terms which authorize such Government to make this Agreement effective with respect to such vessel, flying-boat or drydock; it includes a vessel operated under the supervision of the War Shipping Administration or Park Steamship Company Limited, but does not include (a) a vessel, flying-boat or drydock on bareboat charter or otherwise on demise by either Government to a Government other than as the servant, agent or instrumentality of either contracting Government; or (b) a vessel owned by Canadian National (West Indies) Steamships Limited, Canadian National Steamship Company Limited or associated or subsidiary companies.

Article 2

The Government of Canada and the Government of the United States of America agree that each shall waive all those legal maritime claims by either Government against the other Government or any servant, agent or instrumentality of the other Government or any Government vessel in respect of collision, salvage, general average, negligent navigation or negligent management of the said Government vessel or in respect of the loss or salvage of, damage to, or general average in connection with, cargoes carried in the said Government vessel; subject however to the provisions of Articles 3 and 4.

* For the text of the Exchange of Notes, see *Canada Treaty Series*, 1943, No. 12.

Article 3

Where in any case claims arise which are not required to be waived by this Agreement in addition to or in conjunction with claims which are so required to be waived and it is necessary in any proceedings including proceedings for the limitation of liability that claims be marshalled or for the proper assessment of any salvage or general average that values should be estimated, the provisions of this Agreement shall not apply but claims which would otherwise be required to be waived under this Agreement shall be asserted. Any recoveries, however, shall be waived by the Government entitled to such recoveries or at the option of such Government shall be dealt with in such other way as will give effect to the purpose of this Agreement.

Article 4

1. In order to carry out the full intention of this Agreement each Government will so arrange in connection with bareboat charters or demises to it or requisitions by it that neither the owners, nor the persons, firms or corporations interested through such owners, shall have or assert any claims of the character specified herein.

2. Each Government represents that in no case in which a legal maritime claim arises under any insurance that has been or will be effected on or in respect of any Government vessel or cargo carried therein shall any rights that can be exercised against the other Government be subrogated to the insurers concerned insofar as the insurers' liability relates to a claim which is required to be waived by this Agreement.

Article 5

Each Government shall facilitate the assertion by the other Government of sovereign immunity in relation to any Government vessel.

Article 6

This Agreement terminates the agreement contained in the exchange of notes of May 25 and 26, 1943, and it shall apply to legal maritime claims arising since December 7, 1941, but remaining unsettled on the day this Agreement enters into force, as well as in respect of claims arising on or after such day and during the period in which the Agreement shall remain in force.

Article 7

This Agreement shall remain in force until the expiration of six months from the day on which either Government shall have given notice in writing to the other Government of an intention to terminate the Agreement.

I have the honour to inform you that if an Agreement in accordance with the above terms is acceptable to the Government of the United States of America, it shall be considered by the Government of Canada to have been concluded and to be in effect as of the date of a corresponding note from you indicating that the Government of the United States of America is prepared to give effect to the Agreement.

Accept, Sir, the renewed assurances of my highest consideration.

· L. B. PEARSON.

II

*The Acting Secretary of State of the United States to
the Canadian Ambassador*

DEPARTMENT OF STATE

WASHINGTON, November 13, 1946.

EXCELLENCY:

I have the honor to refer to your note No. 348 of September 28, 1946 containing the text of a proposed agreement between the Governments of Canada and of the United States of America for the waiver of certain claims involving vessels of the two Governments.

The terms of the proposed agreement are acceptable to this Government, but after the words "War Shipping Administration" in Article I of the text of the agreement there should be added the words "and United States Maritime Commission". If this addition is satisfactory, the agreement will be regarded as effective from the date of your note so advising.

Accept, Sir, the renewed assurances of my highest consideration.

DEAN ACHESON.

III

*The Canadian Ambassador to the
Acting Secretary of State of the United States*

CANADIAN EMBASSY

WASHINGTON, November 15, 1946.

No. 428

SIR,

I have the honour to refer to your note of November 13, 1946, regarding the proposed agreement between the Governments of Canada and the United States of America for the waiver of certain claims involving vessels of the two governments and to Mr. Pearson's note No. 348 of September 28, 1946, containing the text of said proposed agreement.

I also note that your government wishes an addition to be made to the text of Article I of the said proposed agreement, namely, that after the words, "War Shipping Administration", there should be added the words "and United States Maritime Commission".

This addition to the text of Article I is acceptable to the Canadian Government. It is understood, therefore, that the agreement is in force from the date of this note.

Accept, Sir, the renewed assurances of my highest consideration.

H. H. WRONG.

CANADA

TREATY SERIES, 1946

No. 43

TRADE AGREEMENT

BETWEEN

CANADA

AND

NICARAGUA

Signed at Managua, December 19, 1946

CAME PROVISIONALLY INTO FORCE, DECEMBER 19, 1946

(This Agreement has not yet been ratified)



OTTAWA
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1947

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OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1947

**Trade Agreement
between the Government of Canada and the Government
of the Republic of Nicaragua**

The Government of Canada and the Government of Nicaragua, desiring to strengthen the traditional bonds of friendship which unite the two countries and to facilitate further and to develop the commercial relations existing between Canada and Nicaragua, have resolved to conclude a Trade Agreement and have appointed for this purpose as their Plenipotentiaries:

The Government of Canada, Mr. Charles Blair Birkett, Canadian Government Trade Commissioner; and

The Government of Nicaragua, His Excellency Doctor Victor Manuel Román y Reyes, Minister of Foreign Affairs;

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following Articles:

ARTICLE I

1. Canada and Nicaragua will grant each other unconditional and unrestricted most-favoured-nation treatment in all matters concerning customs duties and subsidiary charges of every kind and in the method of levying duties, and, further, in all matters concerning the rules, formalities and charges imposed in connection with importation and exportation, and with respect to all laws or regulations affecting the taxation, sale, distribution or use of imported goods within the country.

2. Accordingly, articles the growth, produce or manufacture of either country shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like articles the growth, produce or manufacture of any other foreign country are or may hereafter be subject.

3. Similarly, articles exported from the territory of Canada or Nicaragua and consigned to the territory of the other country shall in no case be subject with respect to exportation and in regard to the above mentioned matters, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like articles when consigned to the territory of any other foreign country are or may hereafter be subject.

4. Any advantage, favour, privilege or immunity which has been or may hereafter be granted by Canada or Nicaragua in regard to the above mentioned matters, to any article originating in any other foreign country or consigned to the territory of any other foreign country shall be accorded immediately and without compensation to the like article originating in or consigned to the territory of Nicaragua or Canada, respectively, and irrespective of the nationality of the carrier.

CONVENIO COMERCIAL ENTRE EL GOBIERNO DEL CANADÁ Y EL GOBIERNO DE LA REPÚBLICA DE NICARAGUA

El Gobierno del Canadá y el Gobierno de la República de Nicaragua, deseando fortalecer los tradicionales vínculos de amistad entre los dos países, y facilitar y desarrollar aún más las relaciones comerciales existentes entre El Canadá y Nicaragua, han resuelto celebrar un Convenio Comercial, a cuyo efecto han designado sus plenipotenciarios respectivos, a saber:

El Gobierno del Canadá, al Señor Charles Blair Birkett, Comisionado de Comercio del Gobierno del Canadá; y

El Gobierno de Nicaragua, a Su Excelencia el Señor Doctor Victor Manuel Román y Reyes, Ministro de Relaciones Exteriores.

Los cuales, después de haber canjeado sus respectivos plenos poderes, hallados en buena y debida forma, han convenido en los siguientes artículos:

ARTICULO I

1. El Gobierno del Canadá y el Gobierno de la República de Nicaragua se concederán mutuamente el tratamiento incondicional e irrestricto de la nación más favorecida en todos los asuntos que se refieran a derechos aduanales y cobros subsidiarios de todo género establecidos para la importación o exportación dentro de sus jurisdicciones respectivas, así como en todo lo relativo a los métodos para la aplicación de tales impuestos, y además para cuanto se relacione con los reglamentos y formalidades referentes a la importación y exportación, y a todas las leyes y reglamentos que afecten los gravámenes, venta, distribución o uso de mercaderías importadas dentro del país.

2. En consecuencia, los productos cultivados, producidos o manufacturados en cualquiera de los dos países y que se importen en el otro, no estarán sujetos en ningún caso, con relación a los asuntos arriba mencionados, a ningún derecho, contribución o carga diferente o más elevado, ni a ninguna formalidad o reglamento distinto o más oneroso, a los que están o puedan en lo futuro estar sujetos productos similares cultivados, producidos o manufacturados en cualquier otro país extranjero.

3. De igual manera, los productos exportados del territorio del Canadá o de la República de Nicaragua y consignados al territorio del otro país no se someterán en ningún caso, con respecto a la exportación y en relación a los asuntos arriba mencionados, a ninguna clase de derechos, contribuciones o cargas diferentes o más elevados, o a reglamentos o formalidades diferentes o más onerosos, a que están sujetos o puedan estarlo en el futuro productos similares cuando se consignan al territorio de cualquier otro país extranjero.

4. Todas las ventajas, favores, privilegios o inmunidades ya concedidos o que en el futuro puedan concederse por El Canadá o por el Gobierno de Nicaragua con respecto a los asuntos arriba mencionados, a cualquier artículo originario de cualquier otro país extranjero o consignado al territorio de cualquier otro país extranjero, se concederán inmediatamente y sin compensación, sin tener en cuenta la nacionalidad del transportador, a los correspondientes productos originarios del territorio del Canadá o de Nicaragua, respectivamente, o consignados a cualquiera de los dos países.

ARTICLE II

Whenever the Government of either country proposes to impose or alter quantitative restrictions upon imports from the other country, or to allocate shares to the countries of export or change existing allocations, it shall give notice thereof in writing to the other Government and shall afford such other Government an opportunity to consult with it in respect of the proposed action.

ARTICLE III

1. Articles the growth, produce or manufacture of Nicaragua or Canada shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin or any other foreign origin.

2. The provisions of the previous paragraph shall not prevent the Government of Canada or the Government of Nicaragua from imposing at any time on the importation of any article a charge equivalent to an internal tax imposed on a like domestic article or on the raw materials from which the said article may have been manufactured or produced in whole or in part.

3. The provisions of this Article in regard to the granting of national treatment shall not apply to the laws at present in force in Canada whereby leaf-tobacco, spirits, beer, malt and malt syrup imported from abroad are subject to special taxes, nor shall they affect the application to the natural or manufactured products in Nicaragua of the special excise taxes imposed by the stipulations in force of the Special War Tax Law. In this respect, however, most-favoured-nation treatment shall apply.

ARTICLE IV

1. If either country establishes or maintains a monopoly for the importation, exportation, sale, distribution or production of a particular commodity or grants exclusive privileges, formally or in effect, to one or more agencies to import, export, sell, distribute or produce a particular commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases or sales of such monopoly or agencies the commerce of the other country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases or sales of any product such monopoly or agency will be influenced solely by those considerations such as price, quality, marketability, transportation and terms of purchase or sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in selling or purchasing such product on the most favourable terms.

2. In awarding contracts for public works and in purchasing supplies, neither Government shall discriminate against articles the growth, produce or manufacture of the territories of the other country in favour of those of any other foreign country.

ARTICLE V

1. In the event that the Government of either country adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country as tending to nullify or impair any of its objects, the Government which has adopted such a measure

ARTICULO II

Cuando uno de los Gobiernos se proponga imponer o alterar restricciones cuantitativas sobre las importaciones del otro país, o señalar cupos a los países exportadores, o cambiar los cupos existentes, dará de esto aviso por escrito al otro Gobierno, brindándole la oportunidad de consultar con él sobre la proyectada medida.

ARTICULO III

1. Los artículos cultivados, producidos o manufacturados en Nicaragua o en El Canadá, después de su importación en el otro país, estarán exentos de cualquiera impuestos, contribuciones, cargas o exacciones internas, diferentes o mayores que los pagaderos sobre artículos análogos de origen nacional o de cualquier otro origen extranjero.

2. Las disposiciones del párrafo anterior no impedirán al Gobierno del Canadá o al Gobierno de Nicaragua imponer en cualquier tiempo sobre la importación de cualquier artículo, un gravámen equivalente al gravámen interno impuesto a un artículo similar de producción nacional o a las materias primas que hayan podido emplearse para la manufatura o producción de tal artículo en su totalidad o en parte.

3. Las disposiciones de este artículo por lo que toca a la concesión del tratamiento nacional, no se aplicarán a las leyes que actualmente hay en vigor en El Canadá, por lo cual el tabaco en hojas, espiritus, cerveza, malta y sirope de malta importados del exterior están sujetos a tasas especiales, ni afectarán ellas la aplicación a los productos naturales o manufacturados en Nicaragua de la sisa o impuestos locales de las estipulaciones en vigor de la ley especial de tasa de guerra. A este respecto, sin embargo, se aplicará el tratamiento de la nación más favorecida.

ARTICULO IV

1. Si cualquiera de los dos países establece o mantiene un monopolio para la importación, exportación, venta, distribución, o producción de un determinado artículo, o concede privilegios exclusivos, formalmente o de hecho, a una o más entidades para importar, exportar, vender, distribuir o producir un artículo especial, el Gobierno del país que establezca o mantenga dicho monopolio o que conceda tales privilegios de monopolio, conviene en que, en relación con las compras extranjeras o de las ventas de dicho monopolio o agencia, el comercio del otro país recibirá un tratamiento justo y equitativo. Para este efecto, se conviene en que al hacer sus compras o ventas extranjeras de cualquier producto, tal monopolio u organismo se guiará únicamente por consideraciones como las de precio, calidad, aceptación en el mercado, transporte y condiciones de compra y venta, consideraciones que ordinariamente serían tenidas en cuenta por una empresa comercial particular interesada únicamente en vender o comprar tal producto en las condiciones más favorables.

2. Al conceder contratos para obras públicas y al comprar suministros, ningún Gobierno hará distinción en perjuicio de artículos cultivados, producidos o manufacturados de los territorios del otro país en favor de aquellos o cualquiera otro país extraño.

ARTICULO V

1. En caso que el Gobierno de alguno de los dos países adopte cualquier medida que, aún no siendo contraria a las cláusulas de este Convenio, sea considerada por el Gobierno del otro país como medida que tienda a anular o perjudicar cualquiera de los objetos del Convenio, el Gobierno que haya

shall consider such representation and proposals as the other Government may make and shall afford adequate opportunity for consultation with a view to reaching a mutually satisfactory agreement.

2. The Government of each country shall accord sympathetic consideration to, and when requested, shall afford adequate opportunity for consultation regarding such representations as the other Government may make with respect to the operation of customs regulations, control of foreign exchange, quantitative restrictions or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal or plant health or life.

3. If agreement is not reached after due consultation as described above, either Government shall be free to terminate this Agreement in whole or in part on thirty days' written notice.

4. Greater than nominal penalties shall not be imposed by Canada or Nicaragua in connection with the importation of articles the growth, produce or manufacture of the other country because of errors in documentation which are obviously clerical in origin or with regard to which good faith can be established.

ARTICLE VI

1. Nothing in this Agreement shall be construed to prevent the adoption or enforcement of such measures as the Government of either country may see fit to adopt relating to the importation or exportation of gold or silver; or relating to the control of the import or export of sale for export of arms, ammunition, or implements of war, and in exceptional circumstances, all other military supplies.

2. Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against the other country in favour of any other foreign country, and without prejudice to the provisions of paragraphs 1 and 2 of Article V, the provisions of this Agreement shall not extend to prohibitions or restrictions:

- (1) imposed on moral or humanitarian grounds;
- (2) designed to protect human, animal or plant health or life;
- (3) relating to prison-made goods;
- (4) relative to the enforcement of police or revenue laws;
- (5) directed against mis-branding, adulteration, and other fraudulent practices, such as are provided for in the pure food and drug laws of either country; or
- (6) directed against unfair practices in import trade.

3. It is understood that the provisions of this Agreement relating to laws and regulations affecting the sale, taxation or use of imported articles within Canada and Nicaragua are subject to the constitutional limitations on the authority of the Governments of the respective countries.

ARTICLE VII

The advantages already accorded or which in the future may be accorded by either country to adjacent countries to facilitate frontier traffic and the advantages which may result from a customs union of which either country may become a party shall be excepted from the operation of this Agreement.

adoptado tal medida considerará las peticiones y propuestas que el otro Gobierno pueda hacer y le dará adecuada oportunidad de consulta con la mira de llegar a un arreglo mutuamente satisfactorio del punto en cuestión.

2. El Gobierno de cada uno de los dos países otorgará benévolamente consideración a las observaciones que haga el otro Gobierno y a su solicitud le concederá las oportunidades adecuadas en relación con las peticiones que pueda hacerle respecto a la aplicación de reglamentaciones de aduanas, control de cambio extranjero, restricciones cuantitativas o aplicación de las mismas, observancia de formalidades aduaneras y aplicación de leyes sanitarias y disposiciones para la protección de la vida o sanidad humana, animal o vegetal.

3. Si no se llegare a un acuerdo después de la debida consulta, conforme a lo dispuesto anteriormente, cualquiera de los dos Gobiernos quedará en libertad para dar por terminado, en su totalidad o en parte, este Acuerdo, dando aviso escrito con treinta días de anticipación.

4. Ni El Canadá ni Nicaragua impondrán mayores multas que las equitativas, en relación con la importación de artículos cultivados, producidos o manufacturados en el otro país, por causa de errores en la documentación obviamente imputables a involuntarios descuidos de subalternos y respecto a los cuales se pueda establecer la buena fé.

ARTICULO VI

1. Nada de lo contenido en el presente Convenio se interpretará como impedimento para expedir o aplicar medidas que el Gobierno de cualquiera de los dos países juzgue oportuno adoptar sobre la importación o exportación de oro o plata; o sobre el control de la importación, exportación, o venta para la exportación de armas, municiones o instrumentos de guerra y, en circunstancias excepcionales, de cualesquiera otros suministros militares.

2. Con sujeción al requisito de que, en igualdad de circunstancias y condiciones similares, no habrá ninguna discriminación arbitraria por ninguno de los dos países contra el otro y en favor de otro país extranjero, y sin perjuicio de las disposiciones contenidas en los párrafos 1 y 2 del Artículo V, las disposiciones de este Convenio no se aplicarán a prohibiciones o restricciones:

- (1) impuestas con fundamentos morales o humanitarios;
- (2) encaminadas a proteger la vida humana, animal o vegetal;
- (3) relativas a objetos fabricados en prisiones;
- (4) relativas al cumplimiento de leyes policíacas o fiscales;
- (5) dirigidas contra falsos marbetes, adulteración y otras prácticas fraudulentas, como las establecidas en las leyes de alimentos y drogas de uno u otro país; y
- (6) encaminadas contra prácticas de mala fé en el comercio de importación.

3. Queda entendido que las disposiciones de este Convenio relativas a leyes y reglamentos que afecten la venta, tasación o uso de artículos importados dentro del Canadá o de Nicaragua, están sujetas a las limitaciones constitucionales de la facultad de los Gobiernos de los respectivos países.

ARTICULO VII

Las ventajas ya concedidas o que en lo futuro puedan concederse por Canadá o Nicaragua a países adyacentes, con la mira de facilitar el tráfico fronterizo y las ventajas resultantes de una unión aduanera de la que uno u otro país pueda llegar a formar parte, quedarán exceptuadas de la aplicación de este convenio.

ARTICLE VIII

1. The advantages already accorded to or which Nicaragua may hereafter grant to the trade of Costa Rica, El Salvador, Honduras, Guatemala, or Panamá, shall be excepted from the operation of this Agreement as long as the said advantages are not conceded to any other country.

2. The advantages now accorded, or which may hereafter be accorded, by Canada exclusively to other territories under the sovereignty of His Majesty the King of Great Britain, Ireland, and the British dominions beyond the seas, Emperor of India, or under His Majesty's suzerainty, protection or mandate, shall be excepted from the operation of this Agreement.

ARTICLE IX

1. The present Agreement shall be ratified and the instruments of ratification shall be exchanged in Managua, as soon as possible. The Agreement shall enter into force thirty days after the exchange of ratifications and shall remain in force during the term of one year and, unless at least six months before the expiration of the aforesaid term of one year the Government of either country shall have given to the other Government notice of intention to terminate the Agreement upon the expiration of the aforesaid term, the Agreement shall remain in force thereafter until six months from such time as the Government of either country shall have given notice to the other Government.

2. Pending the definitive coming into force of this Agreement, its provisions shall be applied provisionally by the two Governments on and after the nineteenth day of December, nineteen hundred and forty-six. The Government of either country, however, may, prior to the exchange of ratifications, terminate the provisional application of the Agreement by giving three months' notice to the other Government.

In witness whereof, the above-mentioned Plenipotentiaries sign and seal this Agreement, in duplicate in English and in Spanish, both texts being equally authentic, at the City of Managua this nineteenth day of December nineteen hundred and forty-six.

V. M. ROMAN.

[Seals]

C. BLAIR BIRKETT.

ARTICULO VIII

1. Se exceptuarán de los efectos de este Convenio las ventajas acordadas o que después acuerde Nicaragua al comercio de Costa Rica, El Salvador, Honduras, Guatemala o Panamá, mientras tales ventajas no se concedan a cualquier otro país.

2. Las ventajas ya concedidas o que en lo futuro puedan concederse por El Canadá exclusivamente a otros territorios bajo la soberanía de Su Majestad el Rey de la Gran Bretaña, Irlanda y los dominios británicos allende los Mares, Emperador de la India, o bajo el señorío, protección o mandato de Su Majestad, serán exceptuados de la aplicación de este Convenio.

ARTICULO IX

1. El presente Convenio será ratificado y los instrumentos de ratificación se canjearán en Managua tan pronto como sea posible. El Convenio entrará en vigor treinta días después del canje de ratificaciones y estará en vigor durante el término de un año. En caso de que ninguno de los Gobiernos haya notificado al otro Gobierno, por lo menos seis meses antes de la expiración del indicado plazo, su intención de terminar el Convenio, éste seguirá en vigor hasta los seis meses de la fecha en que el Gobierno de los países haga la notificación al otro Gobierno.

2. Mientras este Convenio llega a tener definitivamente vigor, sus disposiciones se aplicarán provisionalmente por los dos Gobiernos en o después del diecinueve de Diciembre de mil novecientos cuarenta y seis. El Gobierno de cada país, sin embargo, puede, antes del canje de ratificaciones, terminar la aplicación provisional del Convenio, dando tres meses para notificar al otro Gobierno.

En testimonio de lo cual, los infrascritos, debidamente autorizados al respecto, firman y sellan el presente Convenio.

Hecho en duplicado, en los idiomas español e inglés, ambos textos auténticos, en la ciudad de Managua, a los diecinueve días del mes de Diciembre de mil novecientos cuarenta y seis.

V. M. ROMAN.

[L.S.]

C. BLAIR BIRKETT.

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Canada. External Affairs Dept.

(CANADA)

TREATY SERIES, 1946

No. 44

AGREEMENT

BETWEEN

CANADA

and the

UNITED KINGDOM

ON THE

CHARTERING OF SHIPS

Signed at Ottawa, December 31, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.P.
KING'S PRINTER AND CONTROLLER OF STATIONERY
1947



Price: 25 cents

CANADA

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OTTAWA
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KING'S PRINTER AND CONTROLLER OF STATIONERY
1947

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED KINGDOM ON THE CHARTERING OF SHIPS

Signed at Ottawa, December 31, 1946

IT IS THIS DAY MUTUALLY AGREED BETWEEN the Government of Canada (hereinafter called "the Owners"), Owners of the vessels (hereinafter called "the vessels") enumerated in the Schedule annexed hereto consisting of 62 North Sands coal burning type and 29 Victory oil burning type which have been operating under an Agreement (hereinafter called "the original Agreement") dated August 17th, 1945, of the one part, and the Government of the United Kingdom (hereinafter called "the Charterer"), of the other part, as follows:—

CLAUSE 1

(1) The vessels shall be deemed to have been placed by the Owners at the service of the Charterer upon the terms and conditions of this Agreement as from midnight on 1st September, 1945, and the original Agreement shall thereupon be deemed to have ceased to apply to the vessels.

(2) Subject to Clause 12, the vessels shall hereafter remain at the Charterer's disposal until redelivery under Clause 13 or until prior loss, as the case may be.

CLAUSE 2

Subject to the Agreement on the Settlement of War Claims dated 6th March, 1946, and made between the parties hereto, the Charterer shall pay hire for each of the vessels at the rate of 4,166 dollars 66 cents per calendar month during the period of such vessel's service under this Agreement. In computing hire for part of a month the days shall be taken as fractions of a month of 30 days. Hire shall be paid in Canadian dollars in Canada monthly in advance. Any hire paid in advance and not earned shall be refunded to the Charterer.

CLAUSE 3

An agreed inventory of all stores on board, both consumable and non-consumable, shall be made by the Charterer in conjunction with the Owners or their representatives on redelivery of each vessel. Any shortages in the quantities shown in the inventory as compared with the inventory taken at the time of delivery of the vessel under the original Agreement or, in the case of the substituted vessels, under this Agreement shall be paid for by the Charterer at the prices current at the port of redelivery and any surpluses shall be similarly paid for by the Owners.

CLAUSE 4

The vessels shall be under the complete control of the Charterer during the continuance of the vessels' service under this Agreement.

CLAUSE 5

The Charterer may at any time at its expense remove or alter all or any of the fittings or arrangements on board the vessels and may erect any new fittings which may be required by the Charterer.

CLAUSE 6

If any of the vessels are lost, hire shall be paid up to and inclusive of the day of loss, or if missing, up to and inclusive of the estimated date of arrival at the next intended port of call, but not exceeding 15 days from the date the vessel was last reported. Should any of the vessels become a constructive total loss, such loss shall be deemed to have occurred on and hire hereunder shall cease as from the day of the casualty resulting in such loss.

CLAUSE 7

Subject to the agreement on the Settlement of War Claims dated 6th March, 1946, and made between the parties hereto, in the event of the actual or constructive total loss of any of the vessels during its service under this Agreement, the Charterer shall pay to the Owners in full and final settlement the sum of 500,000 Canadian dollars for each vessel so lost, less depreciation at the rate of 6% per annum from 1st September, 1945, until the date of loss.

CLAUSE 8

(1) In ascertaining whether any of the vessels is a constructive total loss for the purposes of this Agreement, the sum of 500,000 Canadian dollars, less depreciation at the rate of 6% per annum from 1st September, 1945, until the date of loss, shall be taken as the repaired value and nothing in respect of the damaged or breaking up value of the vessel shall be taken into account, and the vessel may for such purposes be treated as a constructive total loss notwithstanding that no notice of abandonment has been given by the Owners. Should any of the vessels, although not a constructive total loss, sustain such damage or be in such a position as would appear to the Charterer to render it inadvisable that the vessel should be repaired or salvaged, the Charterer shall forthwith notify the Owners and, if the Owners so agree, the vessel shall be deemed to have become a constructive total loss.

CLAUSE 9

All risk and expense of the vessels and their stores shall be borne by the Charterer during the continuance of the vessels' service under this Agreement, and in the event of any vessel becoming a wreck or obstruction to navigation the Charterer agrees to indemnify the Owners against any sum which the Owners shall become liable to pay and shall pay in respect of the removal or destruction of the wreck or obstruction under statutory powers.

CLAUSE 10

The vessels may be registered in the name of the Charterer during the period of their service under this Agreement but such registration will not affect the title to the vessels which will remain vested in the Owners.

CLAUSE 11

The Charterer shall have the right of sub-letting any of the vessels to persons having their principal place of business in the United Kingdom, the Channel Islands or the Isle of Man, the Charterer remaining responsible to the Owners for the due fulfilment of his obligations hereunder.

CLAUSE 12

(1) The Owners reserve the right to require the exchange of all or any of the vessels named in Part II of the Schedule hereto for an equal number of North Sands coal burners, (herein called the "substituted vessels"), and the Charterer agrees to make such exchange at the earliest dates convenient to the parties hereto but not later than October 1st, 1946, unless otherwise agreed.

(2) The substituted vessels shall be surveyed before delivery in order to determine their condition, but shall be accepted by the Charterer in the condition in which such vessels then are. The substituted vessels shall be deemed to have been placed by the Owners at the service of the Charterer upon the terms and conditions of this Agreement as from the dates on which such vessels respectively are delivered to the Charterer. An agreed inventory of all stores, both consumable and non-consumable, on board each of the substituted vessels, will be made by representatives of the Owners and the Charterer on delivery of such vessels to the Charterer.

CLAUSE 13

(1) It having been agreed separately between the Owners and the Charterer that the Charterer should purchase ten of the vessels for transfer upon purchase to the United Kingdom register, such vessels to be designated by the Charterer from the North Sands coal burners on service under this Agreement, this Agreement shall cease to apply to the said ten vessels from the time of the purchase. The remainder of the vessels not previously lost shall be redelivered as follows:—

(a) On or before 1st January, 1948, the Charterer shall give notice in writing to the Owners designating twenty of the vessels for redelivery between 1st May, 1948, and 15th November, 1948. Eight of these vessels shall be redelivered between 1st May and 30th June, 1948, six between 1st July and 30th September, 1948, and six between 1st October and 15th November, 1948, or as otherwise may be mutually agreed.

(b) On or before 1st September, 1949, the Charterer shall give notice in writing to the Owners designating the balance of the vessels not previously lost for redelivery during 1950. Of these, half of those on service on 1st January, 1950, shall (unless lost) be redelivered at intervals as may be mutually agreed between that date and 30th June, 1950, and the remainder not later than 31st December, 1950.

(2) Each vessel covered by this Agreement shall be redelivered at such port as may be mutually agreed, or failing agreement, at the port at which such vessel was delivered to the Charterer, unless such port was a non-Canadian port, in which event the redelivery shall be at a Canadian port designated by the Owners, in the same order and condition (ordinary wear and tear excepted) and with the same standing as regards Classification and Canadian Steamship Inspection as when delivered to the Charterer subject to the conditions stated below. But if the Owners so require, such vessels shall be redelivered as the vessel then lies so far as any removals, alterations and additions made by the Charterer pursuant to Article 6 of the original Agreement or Clause 5 of this Agreement are concerned. Each vessel shall be surveyed before redelivery in order to determine the vessel's condition.

(3) On redelivery of each vessel:—

(a) The Charterer will assume all Classification Society charges and the cost of repairs required by the Classification Society to put each vessel in class.

(b) The Charterer and the Owners will share equally the Canadian Steamship Inspection fee and the Canadian Steamship Inspection charges for the examination of each vessel.

(c) the Charterer will assume the full cost of all repairs required by the Canadian Steamship Inspection to enable said Canadian Steamship Inspection to issue their usual certificate.

(4) However, if at the time of redelivery, the quadrennial classification survey falls due, the cost of such survey shall be borne by the Charterer and the Owners proportionately to the time each of them has had the use of the vessel since the delivery thereof under the original Agreement, or in the case of the substituted vessels, since the delivery thereof under this Agreement, or since the last such survey, as the case may be.

DONE in duplicate at Ottawa this 31st day of December, 1946.

For the Government of Canada:

C. D. HOWE.

For the Government of the United Kingdom:

A. CLUTTERBUCK.

SCHEDULE

Part I

NORTH SANDS TYPE

<i>Fort Aklavik</i>	<i>Fort Turtle</i>	<i>Fort Covington</i>
<i>Fort Bedford</i>	<i>Fort Erie</i>	<i>Fort Moose</i>
<i>Fort Cadotte</i>	<i>Fort Sturgeon</i>	<i>Fort Michipicoten</i>
<i>Fort Nakasley</i>	<i>Fort Cumberland</i>	<i>Fort Richelieu</i>
<i>Fort Buffalo</i>	<i>Fort St. Paul</i>	<i>Fort Espérance</i>
<i>Fort Chesterfield</i>	<i>Fort Albany</i>	<i>Fort St. Joseph</i>
<i>Fort Wrigley</i>	<i>Fort Capot River</i>	<i>Fort Henley</i>
<i>Fort Connolly</i>	<i>Fort Coulonge</i>	<i>Fort La Prairie</i>
<i>Fort Enterprise</i>	<i>Fort Grant</i>	<i>Fort Pic</i>
<i>Fort Ash</i>	<i>Fort Dauphin</i>	<i>Fort Ticonderoga</i>
<i>Fort Grouard</i>	<i>Fort Bell</i>	<i>Fort Beauséjour</i>
<i>Fort Dease Lake</i>	<i>Fort Carlton</i>	<i>Fort Brunswick</i>
<i>Fort Glenlyon</i>	<i>Fort Brandon</i>	<i>Fort Musquarrog</i>
<i>Fort Assiniboine</i>	<i>Fort Wellington</i>	<i>Fort La Cloche</i>
<i>Fort McPherson</i>	<i>Fort LaTour</i>	<i>Fort Mattagami</i>
<i>Fort Mingan</i>	<i>Fort St. Regis</i>	<i>Fort Nottingham</i>
<i>Fort Glenora</i>	<i>Fort Rouille</i>	<i>Fort Highfield</i>
<i>Fort Carillon</i>	<i>Fort Romaine</i>	<i>Fort Miami</i>
<i>Fort Caribou</i>	<i>Fort Frontenac</i>	<i>Fort Spokane</i>
<i>Fort Verchères</i>	<i>Fort Crevier</i>	<i>Fort Nisqually</i>
<i>Fort Gloucester</i>	<i>Fort Lennox</i>	

Part II

VICTORY TYPE

<i>Fort Columbia</i>	<i>Fort La Baye</i>	<i>Fort St. Antoine</i>
<i>Fort Astoria</i>	<i>Fort Panmure</i>	<i>Fort Biloxi</i>
<i>Fort Yukon</i>	<i>Fort Prudhomme</i>	<i>Fort Dearborn</i>
<i>Fort Kullyspell</i>	<i>Fort Sakisdac</i>	<i>Fort Wallace</i>
<i>Fort Hall</i>	<i>Fort Marin</i>	<i>Fort La Have</i>
<i>Fort Crèvecœur</i>	<i>Fort Venango</i>	<i>Fort Island</i>
<i>Fort Clatsop</i>	<i>Fort Machault</i>	<i>Fort Brisebois</i>
<i>Fort Kaskaskia</i>	<i>Fort Saleesh</i>	<i>Fort Perrot</i>
<i>Fort Boise</i>	<i>Fort Orleans</i>	<i>Fort Aspin</i>
<i>Fort Massac</i>	<i>Fort St. Croix</i>	

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Canada. External Affairs, 1946



TREATY SERIES, 1946

No. 45

INTERNATIONAL AGREEMENT

ON

NORTH ATLANTIC OCEAN
WEATHER STATIONS

Done in London, September 25, 1946

RECUEIL DES TRAITÉS 1946
N° 45

ACCORD INTERNATIONAL
CONCERNANT
LES NAVIRES-STATIONS MÉTÉOROLOGIQUES
DE L'ATLANTIQUE DU NORD

Fait à Londres le 25 septembre 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., LL.B., Ph.D.
KING'S PRINTER AND CONTROLLER OF STATIONERY
1947



Price: 25 cents.

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**INTERNATIONAL AGREEMENT ON
NORTH ATLANTIC OCEAN WEATHER STATIONS***

Done in London, September 25, 1946

The Governments of BELGIUM, CANADA, FRANCE, IRELAND, the NETHERLANDS, NORWAY, SWEDEN, the UNITED KINGDOM and the UNITED STATES OF AMERICA, being Member States of the Provisional International Civil Aviation Organization (hereinafter called "the Organization") and being desirous to provide the North Atlantic region with adequate air navigation facilities for safe, regular and economic air services in accordance with the general aims and objectives of the Organization, HAVE AGREED as follows:

Article 1

1. Ocean weather stations shall be operated and maintained at appropriate locations in the North Atlantic region as hereinafter provided, beginning not later than July 1st, 1947.

2. Each signatory Government shall use its best endeavours to commence the operation of the ocean weather stations as soon as possible before that date.

Article 2

1. The locations of the ocean weather stations shall be initially as specified in ANNEX I hereof. The location of any ocean weather station may be changed, by the Council of the Organization, with the consent of the Government or Governments responsible for that station.

2. The services to be performed by the ocean weather stations shall be as specified in ANNEX I hereof and shall be carried out by Governments and groups of Governments as herein provided. The Organization shall co-ordinate the general program of the operation of the stations. It shall keep the International Meteorological Organization advised of any action taken by it in connection with each co-ordination and shall invite the International Meteorological Organization to send representatives to participate in any meetings called for the purpose of accomplishing such co-ordination.

3. The terms of ANNEX I may be amended by the Council of the Organization, with the consent of any Government whose financial or operating obligations would be directly affected thereby; and the Council may provide for any such amendment to come into effect for the several stations progressively, as its terms are accepted by the Governments responsible for each station in turn.

4. The applicable standards, recommended practices, procedures and specifications of services approved by the Council of the Organization shall be observed in the operation of the ocean weather stations. The manner of making meteorological observations and of collecting reports and transmitting them, to main meteorological offices or forecasting centres, shall be in accordance with the appropriate procedures and specifications promulgated by the International Meteorological Organization.

5. The signatory Governments shall supply such information to the Council of the Organization, upon its request, as may be necessary for the fulfilment of the purposes of this Agreement.

*On July 21, 1947, Canada notified the International Civil Aviation Organization of its acceptance of the Agreement.

**ACCORD INTERNATIONAL CONCERNANT
LES NAVIRES-STATIONS MÉTÉOROLOGIQUES DE
L'ATLANTIQUE DU NORD***

Fait à Londres le 25 septembre 1946

Les Gouvernements de la BELGIQUE, du CANADA, de la FRANCE, de l'IRLANDE, des PAYS-BAS, de la NORVEGE, de la SUEDE, du ROYAUME-UNI et des ETATS-UNIS D'AMERIQUE, représentant les Etats-Membres de l'Organisation provisoire de l'Aviation civile internationale (ci-dessous appelée "l'Organisation"), désireux d'établir dans la zone Nord Atlantique les installations auxiliaires de navigation aérienne qu'exigent des services aériens sûrs, réguliers, économiques, en accord avec les buts et objectifs généraux de l'Organisation, SONT CONVENUS de ce qui suit:

Article 1

1. Des stations météo-flottantes seront mises en service et maintenues, au plus tard à partir du 1er juillet 1947, à des emplacements appropriés de la zone Nord Atlantique indiqués ci-dessous.
2. Chacun des Etats signataires fera tous ses efforts pour commencer la mise en service de ces stations le plus tôt possible avant la date indiquée.

Article 2

1. Les emplacements des stations météo-flottantes seront initialement ceux qui sont spécifiés à l'Annexe I du présent document. L'emplacement de toute station météo-flottante peut être modifié par le Conseil de l'Organisation, avec le consentement du ou des gouvernements responsables de ladite station.

2. Les services à assurer par les stations météo-flottantes sont spécifiés à l'Annexe I du présent document et seront assurés par les Etats ou groupes d'Etats indiqués ci-dessous. L'Organisation coordonnera le programme général de l'exploitation des stations. Elle tiendra l'Organisation météorologique internationale au courant de toute action qu'elle entreprendra pour assurer une telle coordination et invitera l'Organisation météorologique internationale à participer à toute réunion tenue dans le but d'assurer une telle coordination.

3. Les termes de l'Annexe I pourront être modifiés par le Conseil de l'Organisation, avec le consentement de ceux des Etats dont les obligations relatives au paiement ou à la mise en service des stations seraient directement affectées par ces modifications. Le Conseil aura le droit de mettre ces modifications progressivement en vigueur pour les différentes stations au fur et à mesure de leur acceptation par chacun des Etats responsables de ces stations.

4. Les formes standards, ainsi que les méthodes, procédures et dénominations préconisées, qui auront été approuvées par le Conseil de l'Organisation, devront être respectées dans le fonctionnement des stations météo-flottantes. La façon de faire les observations météorologiques, de les concentrer et de les transmettre aux services météorologiques principaux ou aux centres de prévisions devra être conforme aux règles et aux dénominations promulguées par l'Organisation météorologique internationale.

5. Les gouvernements signataires fourniront, à la demande du Conseil de l'Organisation, toute information jugée nécessaire pour accomplir la tâche visée dans cet Accord.

* Le 21 juillet 1947, le Canada a communiqué son acceptation de l'Accord à l'Organisation de l'Aviation Civile Internationale.

Article 3

1. The ocean weather stations, referred to in ANNEX I by letters, shall be financed and operated by the signatory Governments as follows:

Stations	Governments
A C D E F G H }	The United States of America
B	Canada and the United States of America jointly
I J }	The United Kingdom
K	Belgium and the Netherlands jointly
L	France
M	Norway, Sweden and the United Kingdom jointly

2. The signatory Governments, jointly responsible for the financing and operation of an ocean weather station, shall allocate the costs and operating responsibilities among themselves in such proportion as they may determine from time to time, which proportions are understood to be initially as stated in ANNEXES II, III and IV. Each of these Annexes shall be subject to amendment by agreement of the Governments immediately effected by them, notice of any such amendment to be given to the Secretary General of the Organization by the Governments concerned, acting jointly or separately.

3. Ireland shall make a general monetary contribution at the rate of £5,000 per annum.

Article 4

1. General monetary contributions may be made by Governments towards the financing of the ocean weather stations provided under this Agreement.

2. Any such general monetary contributions may be received by the Council of the Organization and shall be applied in accordance with priorities to be determined by it from time to time.

3. The Council of the Organization is requested to examine the question of approaching Governments, other than those which are signatories to this Agreement, with a view to inviting them to consider making general monetary contributions. Any Government making such a contribution shall become a party to this Agreement, and this Article and the list of parties to this Agreement shall be deemed to be amended accordingly.

Article 5

1. If any difference between two or more signatory Governments, relating to the interpretation or application of this Agreement and its Annexes, cannot be settled by direct negotiation, such difference shall, on the application of any Government party to the difference, be referred to the Council of the Organization for its recommendation.

Article 3

1. Les stations météo-flottantes désignées à l'Annexe I par des lettres seront payées et exploitées par les gouvernements signataires comme suit:

Stations	Gouvernements
A C D E F G H }	Etats-Unis d'Amérique
B	Conjointement par le Canada et les Etats-Unis d'Amérique
I J }	Royaume-Uni
K	Conjointement par la Belgique et les Pays-Bas
L	France
M	Conjointement par la Norvège, la Suède et le Royaume-Uni

2. Les gouvernements signataires qui partagent la responsabilité du paiement et de l'exploitation d'une station météo-flottante répartiront entre eux les frais et les responsabilités de l'exploitation; ce partage, actuellement précis aux Annexes II, III et IV, pourra être périodiquement revisé. Chacune de ces annexes pourra être modifiée par un accord entre les Etats directement intéressés par elle, étant entendu que, soit collectivement soit séparément, ils notifieront ces modifications au Secrétaire général de l'Organisation.

3. L'Irlande fera une contribution monétaire générale de £5,000 par an.

Article 4

1. Des contributions monétaires générales pourront être faites par des Etats en vue de contribuer au paiement des stations météo-flottantes prévues par le présent Accord.

2. Toutes ces contributions monétaires générales pourront être reçues par le Conseil de l'Organisation et seront allouées par lui conformément aux priorités qu'il fixera périodiquement.

3. Le Conseil de l'Organisation est invité à examiner la possibilité de s'adresser à des Etats autres que les signataires du présent Accord en vue de les inviter à considérer la possibilité de faire des contributions monétaires générales. Tout Etat faisant une contribution de cette nature deviendra partie à l'Accord et le présent article ainsi que la liste des gouvernements parties au présent Accord seront alors considérés comme ayant été modifiés en conséquence.

Article 5

1. Dans le cas où un désaccord, entre deux ou plus Etats signataires, sur l'interprétation ou l'application du présent Accord et de ses annexes ne pourrait être réglé par négociation directe, le désaccord sera, à la demande de tout Etat intéressé au différend, soumis pour avis au Conseil de l'Organisation.

Article 6

1. This Agreement shall come into force upon acceptance by all the signatory Governments.

2. Each signatory Government shall inform the Secretary General of the Organization at the earliest possible date whether signature on its behalf constitutes an acceptance of this Agreement.

3. The Secretary General of the Organization is requested to inform all signatory Governments of each acceptance of this Agreement and of the date on which this Agreement comes into force.

Article 7

1. Subject to the provisions of Paragraph 2 of this Article, the present Agreement shall remain in force until June 30th 1950. The Council of the Organization is requested to convene a Conference of the signatory and other interested Governments not later than April 1st 1949 for the purpose of considering revision and renewal of this Agreement.

2. In the event that the operation of any of the ocean weather stations provided by this Agreement is abandoned or terminated, otherwise than with the consent of all signatory Governments, and that the Council shall not, within 90 days thereafter, be able to make arrangements for the resumption of such operation, this Agreement shall terminate at the expiration of such 90 days. The Secretary General is requested to notify all signatory Governments of the date of any such termination of the Agreement.

Article 8

1. Reference to the Organization herein shall be deemed, after the coming into force of the Convention drawn up at Chicago on December 7th 1944, to be reference to the International Civil Aviation Organization created by such Convention.

Whereunto the undersigned representatives of their Governments have affixed their signatures ad referendum:

(Here follow the names of the Representatives of Belgium, Canada (Anson C. McKim), France, Ireland, the Netherlands, Norway, Sweden, the United States of America, the United Kingdom of Great Britain and Northern Ireland.)

DONE in London the 25th day of September 1946 in the English, French and Spanish languages, all of which texts shall be authentic and shall be deposited in the archives of the Organization. Certified copies of the texts shall be transmitted by the Secretary General of the Organization to all signatory Governments.

Article 6

1. Le présent Accord entrera en vigueur dès acceptation des gouvernements signataires.

2. Chaque gouvernement signataire fera savoir le plus tôt possible au Secrétaire général de l'Organisation si la signature donnée en son nom constitue de sa part une acceptation du présent Accord.

3. Le Secrétaire général de l'Organisation est invité à informer tous les gouvernements signataires de la date à laquelle interviendra chacune des acceptations, et de celle à laquelle l'Accord entrera en vigueur.

Article 7

1. Sous réserve des dispositions du Paragraphe 2 du présent article, le présent Accord restera en vigueur jusqu'au 30 juin 1950. Le Conseil de l'Organisation est invité à convoquer une conférence des gouvernements signataires et autres gouvernements intéressés au plus tard le 1er avril 1949 en vue d'examiner la révision et le renouvellement du présent Accord.

2. Dans le cas où le service d'une des stations météo-flottantes prévues au présent Accord serait abandonné ou arrêté autrement qu'avec le consentement de tous les gouvernements signataires et où le Conseil ne parviendrait pas dans un délai de quatre-vingt-dix jours à assurer la remise en service de la station, le présent Accord cessera d'être en vigueur à l'expiration des quatre-vingt-dix jours. Le Secrétaire général est invité à notifier à tous les gouvernements signataires la date à laquelle l'Accord cessera d'être en vigueur.

Article 8

1. Toutes les références faites par le présent Accord à l'Organisation devront, après l'entrée en vigueur de la Convention établie à Chicago le 7 décembre 1944, être entendues comme désignant l'Organisation de l'Aviation civile internationale créée par ladite Convention.

En foi de quoi, les soussignés, représentants de leur gouvernement, ont apposé leur signature ad referendum:

(Suivent les noms des représentants de la Belgique, le Canada (Anson C. McKim), la France, l'Irlande, les Pays-Bas, la Norvège, la Suède, les Etats-Unis d'Amérique, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.)

FAIT à Londres le vingt-cinquième jour du mois de septembre mil neuf cent quarante-six, en langues anglaise, française et espagnole. Les trois textes, également authentiques, seront déposés aux archives de l'Organisation. Des copies certifiées conformes de ces textes seront transmises par le Secrétaire général de l'Organisation aux gouvernements de tous les Etats signataires.

ANNEX I

LOCATION OF OCEAN WEATHER STATIONS AND SERVICES TO BE PERFORMED

1.—LOCATION OF OCEAN WEATHER STATIONS

The 13 ocean weather stations which form the subject of this Agreement shall be established and maintained at the following positions:

Station A:	62°00'N=33°00'W	
	Mid-Atlantic	
Station B:	56°30'N=51°00'W	
	Western North Atlantic	
Station C:	51°45'N=35°30'	
	Mid-Atlantic	
Station D:	45°00'N=45°00'W	
	Western North Atlantic	
Station E:	34°00'N=52°00'W	
	Western North Atlantic	
Station F:	35°30'N=40°00'W	
	Western North Atlantic	
Station G:	46°00'N=29°00'W	
	Eastern North Atlantic	
Station H:	36°00'N=70°00'W	
	Western North Atlantic	
Station I:	60°00'N=20°00'W	
	Eastern North Atlantic	
Station J:	53°50'N=18°40'W	
	Eastern North Atlantic	
Station K:	47°00'N=15°00'W	
	Eastern North Atlantic	
Station L:	39°00'N=17°00'W	
	Eastern North Atlantic	
Station M:	66°00'N=02°00'E	
	Eastern North Atlantic	

2.—SERVICES TO BE PERFORMED BY OCEAN WEATHER STATIONS

2.1.—Meteorological Services

2.1.1.—Meteorological observations shall be made on all ocean weather stations in accordance with the following routine:

2.1.1.1.—Surface observations, eight times daily, the observations to include all elements contained in the International Code for ships' observations;

2.1.1.2.—Special observations of meteorological phenomena and of important changes, which may occur between the regular observations, such information to be reported in the International Code for warnings of sudden changes in weather conditions, or in plain language if necessary;

2.1.1.3.—Upper air wind observations, not less than four times daily, such observations to be made normally by radar methods. In the event of failure of the radar equipment, however, the observations shall be made by pilot balloon;

ANNEXE I

EMPLACEMENT DES STATIONS MÉTÉO-FLOTTANTES ET SERVICES À ASSURER

1.—EMPLACEMENT DES STATIONS MÉTÉO-FLOTTANTES

Les treize stations météo-floottantes qui font l'objet du présent Accord seront mises en service et entretenues aux positions suivantes:

Station A:	$62^{\circ}00'N = 33^{\circ}00'O$ Atlantique-Nord—zone Médiane
Station B:	$56^{\circ}30'N = 51^{\circ}00'O$ Atlantique-Nord—zone Ouest
Station C:	$51^{\circ}45'N = 35^{\circ}30'O$ Atlantique-Nord—zone Médiane
Station D:	$45^{\circ}00'N = 45^{\circ}00'O$ Atlantique-Nord—zone Ouest
Station E:	$34^{\circ}00'N = 52^{\circ}00'O$ Atlantique-Nord—zone Ouest
Station F:	$35^{\circ}30'N = 40^{\circ}00'O$ Atlantique-Nord—zone Ouest
Station G:	$46^{\circ}00'N = 29^{\circ}00'O$ Atlantique-Nord—zone Est
Station H:	$36^{\circ}00'N = 70^{\circ}00'O$ Atlantique-Nord—zone Ouest
Station I:	$60^{\circ}00'N = 20^{\circ}00'O$ Atlantique-Nord—zone Est
Station J:	$53^{\circ}50'N = 18^{\circ}40'O$ Atlantique-Nord—zone Est
Station K:	$47^{\circ}00'N = 15^{\circ}00'O$ Atlantique-Nord—zone Est
Station L:	$39^{\circ}00'N = 17^{\circ}00'O$ Atlantique-Nord—zone Est
Station M:	$66^{\circ}00'N = 02^{\circ}00'E$ Atlantique-Nord—zone Est

2.—SERVICES À ASSURER PAR LES STATIONS MÉTÉO-FLOTTANTES

2.1.—Service météorologique

2.1.1.—A bord de toutes les stations météo-floottantes les observations météorologiques devront être effectuées à la cadence suivante:

2.1.1.1.—Observations de surface, huit fois par jour; ces observations devront comporter tous les télemètres figurant au Code international des observations de navires;

2.1.1.2.—Observations spéciales pour signaler les phénomènes ou changements importants qui surviendraient dans l'intervalle entre deux observations normales; ces observations spéciales devront être diffusées au moyen du Code international de variations brusques ou, si besoin est, en langage clair;

2.1.1.3.—Observations du vent en altitude, au moins quatre fois par jour; normalement, ces observations devront être effectuées par un procédé radar. Cependant, en cas de panne de l'équipement radar, elles seront faites par ballon-pilote;

2.1.1.4.—Upper air pressure, temperature and humidity observations, not less than twice daily.

2.1.2.—Reports of the observations, referred to in Paragraph 2.1.1, shall be transmitted to the appropriate shore stations in accordance with prescribed schedules.

2.1.3.—Reports of observations, from other ocean weather stations, shall be received and re-transmitted in accordance with prescribed schedules.

2.2.—Search and Rescue Services

2.2.1.—The ocean weather station vessels shall form part of the general search and rescue organization and shall participate in any search and rescue operation, in accordance with PICAQ procedures and with those of the Convention for the Safety of Life at Sea, 1929. To this end they shall remain as close as practicable to their assigned positions, unless it becomes necessary for them to leave their stations for search and rescue operations.

2.2.2.—The ocean weather stations shall carry, as far as practicable, such search and rescue equipment as is necessary for effecting a sea rescue.

2.2.3.—The crews at the ocean weather stations shall be expertly trained from the point of view of effecting a sea rescue.

2.2.4.—The communication equipment on the ocean weather stations shall be sufficient to guard safety, distress or emergency calls from mobile units, air or surface, for communication with surface vessels or aircraft for distress, emergency and safety purposes, for transmission or regional search and rescue frequency, when search and rescue operations are in progress and for beacon operation in accordance with a prescribed operating schedule and on an assigned frequency.

2.3.—Navigational Aids to Aircraft

2.3.1.—The ocean weather stations shall provide, when circumstances so require, navigational aid to aircraft, including the transmission of relevant meteorological information.

2.4.—Incidental Services

2.4.1.—In addition to the services specified in Paragraph 2.1, 2.2 and 2.3, the ocean weather stations shall perform such incidental services as may be required, on the understanding that the performance of such services does not involve any appreciable addition to the obligatory personnel and equipment carried. These incidental services include:

2.4.1.1.—Reports of observations from merchant ships received and re-transmitted in accordance with prescribed schedules;

2.4.1.2.—Such supplementary air traffic control facilities as may be prescribed.

2.5.—Other Services to be Performed in Connection with the Operation of Ocean Weather Stations

2.5.1.—The States operating the ocean weather stations shall provide, to other participating States, copies of all regular surface and upper air meteorological observations made on their stations;

2.5.2.—Statistical meteorological records and summaries of the observations shall be maintained in standard form and copies exchanged between the participating States.

2.5.3.—The participating States shall use their best endeavours to facilitate the inclusion, in the observational program of the ocean weather stations, of such oceanographical and other scientific observations as may be found desirable.

2.1.1.4.—Observation en altitude de la température, de l'humidité et de la pression, au moins deux fois par jour.

2.1.2.—Les observations faisant l'objet du Paragraphe 2.1.1 seront transmises aux stations côtières désignées, conformément au tableau de vacations en vigueur.

2.1.3.—Les observations provenant d'autres stations météo-flottantes seront captées et retransmises conformément au tableau de vacations en vigueur.

2.2.—Service de la recherche et du sauvetage

2.2.1.—Les navires météo-stationnaires feront partie du dispositif général de la recherche et du sauvetage. Ils participeront à toute opération de recherche et de sauvetage en se conformant aux règles de l'OPACI ainsi qu'aux dispositions de la Convention de 1929 relative à la Sauvegarde de la Vie humaine en Mer. Dans ce but ils se tiendront en permanence aussi près que possible de la position qui leur aura été assignée, à moins qu'il ne leur devienne nécessaire de s'en éloigner pour des opérations de recherche et de sauvetage.

2.2.2.—Les stations météo-flottantes seront munies, autant que cela sera possible, de tout l'équipement de recherche et sauvetage nécessaire pour effectuer des sauvetages en mer.

2.2.3.—Les équipages des stations météo-flottantes devront être spécialement entraînés à effectuer des sauvetages en mer.

2.2.4.—Les moyens de transmissions des stations météo-flottantes devront être suffisants pour que puissent être assurées: la veille des signaux urgents de sécurité et de détresse; les communications avec les navires ou les aéronefs nécessités par les cas de détresse, d'urgence et de sécurité; l'émission sur la fréquence régionale de recherche et sauvetage, quand des opérations de cette nature seront en cours; enfin l'exploitation d'un radiophare suivant un horaire et sur une fréquence imposés.

2.3.—Aide à la navigation aérienne

2.3.1.—Quand les circonstances l'exigeront, les stations météo-flottantes prêteront leur concours à la navigation des aéronefs, ce qui comprend la transmission de renseignements météorologiques adaptés à ces circonstances.

2.4.—Services accessoires

2.4.1.—En plus des services énumérés aux Paragraphes 2.1, 2.2 et 2.3, les stations météo-flottantes assureront les services accessoires qui pourraient leur être demandés sous réserve que l'exécution de ces services ne leur impose pas un accroissement appréciable du personnel ou du matériel exigés. Ces services accessoires comprennent:

2.4.1.1.—La réception et la retransmission, selon un tableau de vacations imposé, des observations en provenance des navires marchands;

2.4.1.2.—Les opérations supplémentaires de guidage du trafic aérien qui pourront être prescrites.

2.5.—Autres services à assurer conjointement à l'exploitation des stations météo-flottantes

2.5.1.—Les Etats exploitant des stations météo-flottantes fourniront aux autres Etats participants le relevé de toutes les observations synoptiques de surface et en altitude effectuées à bord de leurs stations.

2.5.2.—Les tableaux de moyennes et les statistiques ainsi que les relevés d'observations devront être établis sous les formes standards; cette documentation sera communiquée aux autres Etats participants.

2.5.3.—Les Etats participants déployeront tous leurs efforts pour faciliter l'introduction, dans le programme de travail de leurs stations météo-flottantes, de toutes observations scientifiques, et en particulier océanographiques, dont l'exécution pourra être jugée souhaitable.

ANNEX II

ARRANGEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND CANADA FOR THE FINANCING AND OPERATION OF OCEAN WEATHER STATION B

The United States of America to provide and operate the station. Canada to have the option to provide and to operate, to the extent of fifty per cent of the station, or otherwise to contribute in a manner mutually acceptable to both Governments.

ANNEX III

ARRANGEMENTS BETWEEN THE GOVERNMENTS OF SWEDEN, THE UNITED KINGDOM AND NORWAY FOR THE FINANCING AND OPERATION OF OCEAN WEATHER STATION M

Norway to operate the station.

Sweden to contribute to cost of operation 43 per cent.

United Kingdom to contribute to cost of operation 35 per cent.

Norway to contribute to cost of operation 22 per cent.

Sweden to be entitled to discharge part of its obligations by providing 50 per cent of the meteorological personnel.

The United Kingdom and Sweden shall, by agreement with Norway, be entitled to discharge, in whole or in part, their liabilities in kind, instead of in cash.

ANNEX IV

ARRANGEMENT BETWEEN THE GOVERNMENTS OF BELGIUM AND THE NETHERLANDS FOR THE FINANCING AND OPERATION OF OCEAN WEATHER STATION K

The Governments of Belgium and the Netherlands to provide and operate half a station each.

ANNEXE II

ACCORD ENTRE LES GOUVERNEMENTS DES ÉTATS-UNIS ET DU CANADA POUR LE FINANCEMENT ET L'EXPLOITATION DE LA STATION MÉTÉO-FLOTTEANTE B

Les Etats-Unis d'Amérique mettront en service et exploiteront la station. Le Canada aura la possibilité soit d'assurer pour moitié la mise en service et l'exploitation de la station, soit de contribuer à ces opérations de quelque autre manière agréant également aux deux gouvernements.

ANNEXE III

ACCORD ENTRE LES GOUVERNEMENTS DE LA SUÈDE, DU ROYAUME-UNI ET DE LA NORVÈGE POUR LE FINANCEMENT ET L'EXPLOITATION DE LA STATION MÉTÉO-FLOTTEANTE M

La Norvège exploitera la station.

La Suède contribuera aux frais de l'exploitation pour 43 pour cent.

Le Royaume-Uni contribuera aux frais de l'exploitation pour 35 pour cent.

La Norvège contribuera aux frais de l'exploitation pour 22 pour cent.

La Suède sera autorisée à se libérer de ses obligations en fournissant 50 pour cent du personnel météorologue.

Le Royaume-Uni et la Suède seront autorisés, après accord avec la Norvège, à se libérer soit totalement soit partiellement de leurs obligations en nature plutôt qu'en espèces.

ANNEXE IV

ACCORD ENTRE LES GOUVERNEMENTS DE LA BELGIQUE ET DES PAYS-BAS POUR LE FINANCEMENT ET L'EXPLOITATION DE LA STATION MÉTÉO-FLOTTEANTE K

Les Gouvernements de la Belgique et des Pays-Bas mettront en service et exploiteront la station chacun pour moitié.

Gov. Doc
Can
E

Canada - External Affairs Dept.

(CANADA)

TREATY SERIES, 1946

No. 46

FINAL ACT

OF THE

CONFERENCE ON GERMAN-OWNED
PATENTS

Held in London, July 15-27, 1946

(With the accord on the subject signed at the Conference)

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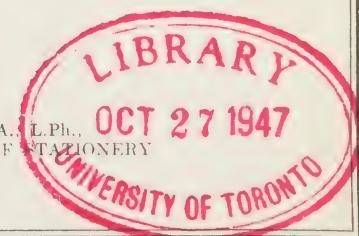
ACTE FINAL
DE LA
CONFÉRENCE SUR LES BREVETS AYANT
APPARTENU À DES ALLEMANDS

Tenu à Londres du 15 au 27 juillet 1946

(Suivi de l'Accord en la matière signé à la Conférence)



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KING'S PRINTER AND CONTROLLER OF STATIONERY
1947

FINAL ACT OF THE CONFERENCE OF REPRESENTATIVES OF CERTAIN GOVERNMENT MEMBERS OF THE INTER-ALLIED REPARATION AGENCY TO CONSIDER THE QUESTION OF THE TREATMENT OF GERMAN-OWNED PATENTS, HELD IN LONDON FROM JULY 15th TO JULY 27th, 1946

Final Act

The Conference, which was convened on the invitation of the Governments of the French Republic, the United Kingdom, and the United States of America, held meetings in London between the 15th and 27th July, 1946.—

The following Delegations participated in the Conference:—

	<i>Delegates</i>	<i>Advisers</i>
GOVERNMENT OF AUSTRALIA	Mr. H. F. E. Whitlam Mr. L. B. Davies	
GOVERNMENT OF BELGIUM	M. J. Hamels Baron de Lettenhove	
GOVERNMENT OF CANADA	Dr. E. H. Coleman	Mr. J. J. Burbridge Mr. P. H. Russell
GOVERNMENT OF CZECHOSLOVAKIA	M. Celestin Simr M. Frank Kafka	M. V. Sedlacek M. B. Stuchly M. J. Rieger M. F. Vohryzek M. J. Vojacek
GOVERNMENT OF DENMARK	Mr. Ehrenreich-Hansen Mrs. Jansen Simonsen	Miss Julie Olsen
GOVERNMENT OF THE FRENCH REPUBLIC	M. R. Monmayou M. E. Mathon	M. P. Dreyfus M. O. Pichot
GOVERNMENT OF LUXEMBOURG	M. A. de Muyser	
GOVERNMENT OF THE NETHERLANDS	Dr. H. Gelissen Mr. J. Dyckmeester	Mr. J. Al Dr. J. M. Fehmers Dr. A. Koerts Dr. H. Jonker
GOVERNMENT OF NORWAY	Mr. Bredo Stabell Dr. Harald Aarflot	Mr. Jacques Raeder Mr. Johan Helgeland

ACTE FINAL DE LA CONFÉRENCE TENUE À LONDRES PAR LES DÉLÉGATIONS DE DIFFÉRENTS GOUVERNEMENTS MEMBRES DE L'AGENCE INTER-ALLIÉE DES RÉPARATIONS POUR EXAMINER LES QUESTIONS RELATIVES AU TRAITEMENT À RÉSERVER AUX BREVETS D'INVENTION AYANT APPARTENU À DES ALLEMANDS.

ACTE FINAL

La Conférence, réunie sur l'invitation des Gouvernements de la République Française, du Royaume-Uni, et des Etats-Unis d'Amérique, a tenu séance à Londres du 15 au 27 juillet 1946.

Les délégations qui ont pris part à la Conférence étaient composées comme suit:

	<i>Délégués</i>	<i>Conseillers</i>
AUSTRALIE	M. H. F. E. Whitlam Mr. L. B. Davies	
BELGIQUE	M. J. Hamels Baron de Lettenhove	
CANADA	Dr. E. H. Coleman	M. K. G. Burbridge M. P. H. Russell
DANEMARK	M. Ehrenreich-Hansen Mrs. Jansen Simonsen	Miss Olsen
ETATS-UNIS D'AMÉRIQUE	M. Casper W. Ooms	M. Bennett Boskey M. Francis Brown M. John Green M. Howland H. Sargeant M. James Simsarian M. Robert Terrill
FRANCE	M. R. Monmayou M. E. Mathon	M. P. Dreyfus M. O. Pichot
LUXEMBOURG	M. A. de Muyser	
NORVÈGE	M. Bredo Stabell M. Harold Aarflot	M. Jacques Raeder M. Johan Helgeland
PAYS-BAS	Dr. H. Gelissen M. J. Dyckmeester	M. J. Al Dr. A. Treer Dr. J. M. Fehmers Dr. A. Koerts M. J. Jonker
ROYAUME-UNI	Sir H. Saunders Mr. B. G. Crewe	M. J. L. Blake

	<i>Delegates</i>	<i>Advisers</i>
GOVERNMENT OF THE UNION OF SOUTH AFRICA	Mr. G. D. Louw Mr. E. Swart Mr. D. B. Sole	
GOVERNMENT OF THE UNITED KINGDOM	Sir Harold Saunders Mr. B. G. Crewe	Mr. J. L. Blake
GOVERNMENT OF THE UNITED STATES OF AMERICA	Mr. Casper W. Ooms	Mr. Bennett Boskey Mr. Francis Brown Mr. John Green Mr. Howland H. Sargeant Mr. James Simsarian Mr. Robert Torrill

Sir Harold Saunders (United Kingdom) was elected President of the Conference, and Mr. H. W. Clarke and Mr. T. H. Mobbs, Secretaries.

The Conference drew up an Accord of which the text is set forth in the Annex to this Final Act. This Accord was signed on behalf of the Governments of the French Republic, the Netherlands, the United Kingdom and the United States of America. The Accord remains open for signature until the 31st December, 1946, on behalf of all other Governments represented at the Conference. The Governments of any other members of the United Nations or of Neutral Countries may also become parties to this Accord. The Delegations of the Commonwealth of Australia, Canada, Czechoslovakia, and the Union of South Africa will recommend to their respective Governments that the Accord should be signed on their behalf.

The following Resolutions were adopted at the Conference:—

Resolution No. 1.

To render possible the fulfilment of the Accord set forth in the Annex, each Government whose Delegation has signed this Final Act undertakes that, after the 1st August, 1946, and until it has decided whether it will sign this Accord, it will not sell or transfer, encumber or restrict its right to grant licences under, or to take any other action with regard to, the patents referred to therein, which would interfere with its ability to carry out the terms of the Accord.

Any Government which decides not to sign the Accord will immediately communicate its decision to the Government of the United Kingdom, which will transmit this information to all other Governments represented at the Conference.

The Delegation of Australia wished to record that, while fully in favour of this Resolution, it was not able to commit the Government of Australia.

Resolution No. 2.

Each Delegation will recommend to its Government that the Delegates of that Government to the Inter-Allied Reparation Agency should be instructed to support proposals: (a) that the reparation share of any Government, party to the Accord, set forth in the Annex should not be charged under the Paris Reparations Agreement with the value of German rights or interests in patents issued by that Government and made available, without royalty, as provided in Articles 1 and 2 of the Accord and: (b) that, in cases where royalties and other sums have been or will be received by any Government, party to the Accord, in

	<i>Délégués</i>	<i>Conseillers</i>
TCHÉCOSLOVAQUIE	M. Celestin Simr M. Frank Kafka	M. V. Sedlacek M. B. Stuchly M. J. Rieger M. F. Vohryzek M. J. Vojacek
UNION SUD-AFRICAINE	Mr. G. D. Louw M. E. Swart M. D. B. Sole	

Sir Harold Saunders (Royaume-Uni) a été élu Président de la Conférence et M. H. W. Clarke et M. T. H. Mobbs, Secrétaire.

Au cours de la Conférence un accord dont le texte est annexé au présent Acte final a pu être établi. Cet accord a été signé pour les Gouvernements de la République Française, des Etats-Unis d'Amérique, des Pays-Bas et du Royaume-Uni. Tout autre Gouvernement représenté à la Conférence pourra signer l'accord jusqu'au 31 décembre 1946. Ces Gouvernements ainsi que ceux de tout autre Etat membre des Nations Unies ou d'un Pays neutre, pourront aussi y adhérer. Les Délégations de la Confédération d'Australie, du Canada, de la Tchécoslovaquie et de l'Union d'Afrique du Sud recommanderont à leurs Gouvernements respectifs de signer l'accord.

Les résolutions suivantes ont été adoptées par la Conférence:

Résolution N° 1—

Afin d'assurer l'exécution de l'Accord annexé au présent Acte final les Gouvernements dont les Délégations auront signé ledit Acte, s'engagent à dater du 1er août 1946 et jusqu'au moment où ils auront décidé s'ils signeront ou non cet accord, à ne pas céder ou grever leurs droits à accorder des licences, renoncer à toute initiative susceptible de restreindre leurs droits sur les brevets visés ci-après et qui porterait atteinte à leur pleine capacité d'exécuter le présent accord.

Tout Gouvernement qui décide de ne pas signer l'Accord fera immédiatement connaître sa décision au Gouvernement du Royaume-Uni, lequel en informera tous les autres Gouvernements représentés à la Conférence.

La Délégation Australienne a exprimé son désir de voir prendre note par la Conférence que malgré son entière adhésion de principe à cette résolution, il ne lui a pas été possible d'engager le Gouvernement australien.

Résolution N° 2—

Chaque Délégation recommandera à son Gouvernement de donner pour instructions au Délégué de ce Gouvernement auprès de l'Agence Inter-alliée des Réparations de défendre les propositions suivantes: *a)* la valeur des droits ou intérêts allemands relatifs aux brevets accordés par un Gouvernement et rendus disponibles sans redevance, suivant les dispositions des Articles 1 et 2 du présent accord, ne sera pas imputée sur sa part des réparations telle qu'elle est visée dans l'accord de Paris sur les Réparations; *b)* dans les cas où des redevances ou d'autres recettes provenant de droits ou intérêts allemands, relatifs à ces brevets, auraient été ou seraient perçues par l'un des Gouvernements parties à l'Accord,

respect of German rights or interests in these patents, the Inter-Allied Reparation Agency should consider whether any, and if so, what charge should be made against the reparation share of that Government.

The Delegations of Belgium, Denmark, Luxembourg and Norway desired to record that they considered this Resolution to be so closely connected with the Accord that the view of their Governments with regard to this Resolution would depend on the question whether they were prepared to sign the Accord.

The Conference also decided to record the following:—

1. Subject to the statement of the position of the French and United Kingdom Delegations as set forth below, it is the view of all Delegations to the Conference that the programme now in operation for obtaining, analysing and publicly disseminating German technology and "know-how" has proved of great common benefit and should be continued. At the suggestion of other Delegations, the Delegates of France and the United States will urge their Governments to request the military occupation authorities in Germany to give early consideration to utilising in this programme, so far as practicable, trained technical personnel and physical equipment which any other country represented at the Conference is able to furnish.

2. The Delegation of the United Kingdom, while sharing the view that the programme now in operation has proved of great common benefit, and declaring that the Government of the United Kingdom would continue its practice of publishing all information of this character received from Germany, was unable to participate in any recommendation on this matter because there had been no time for the consultation with the occupying authorities in Germany which the Government of the United Kingdom considered to be necessary.

3. The French Delegation, while associating themselves wholly with everything that is stated in paragraph 1 above, added that in this matter questions of reciprocity should, of course, be taken into consideration.

IN WITNESS WHEREOF the undersigned have signed this Final Act. Done at London this 27th day of July, 1946, in English and French, both texts being equally authentic, in a single copy which will remain deposited in the archives of the United Kingdom.

The Government of the United Kingdom will transmit to all Governments represented at the Conference certified copies of this Final Act.

(Here follow the names of the Plenipotentiaries for Australia, Belgium, Canada, Czechoslovakia, Denmark, the French Republic, Luxembourg, the Netherlands, Norway, the Union of South Africa, the United Kingdom, the United States of America.)

ANNEX

ACCORD

The Governments on whose behalf the present Accord is signed:

Desiring to make arrangements with regard to former German-owned patents in their possession or control:

Have agreed as follows:

Article 1

Subject to the provisions of the following Articles, each Government, party to this Accord, undertakes that all former wholly German-owned patents, issued by it and in its possession or control under the general law and regulations

l'Agence Inter-alliée des Réparations examinera la question de savoir s'il y a lieu d'imputer ces sommes sur la part de réparations de ce Gouvernement et fixera alors le montant de l'imputation éventuelle.

Les Délégations de Belgique, du Danemark, du Luxembourg et de la Norvège estiment que cette résolution est trop étroitement liée à l'Accord pour que, étant donné l'attitude de leurs Gouvernements en ce qui concerne la signature de cet accord, il leur soit possible de dissocier la résolution et l'accord.

La Conférence a également décidé d'insérer dans le présent Acte, ce qui suit:

1. Sous réserve des déclarations de la Délégation Française et de celle du Royaume-Uni, reproduites ci-après, toutes les Délégations à la Conférence estiment que le programme actuellement mis en œuvre en vue d'obtenir l'analyse et la diffusion auprès du public, des renseignements sur la technique et sur les "tours de mains" allemands s'est avéré d'un grand avantage pour tous et devrait, en conséquence, être poursuivi.

A la demande d'autres délégations, les délégués de la France et des Etats-Unis interviendront auprès de leurs Gouvernements en vue de faire inviter les autorités militaires respectives d'occupation en Allemagne à examiner sans délai la possibilité d'utiliser dans une large mesure pour l'exécution de ce programme, le personnel technique spécialisé ainsi que l'outillage matériel que tout autre Gouvernement représenté à la Conférence serait en mesure de fournir.

2. La Délégation du Royaume-Uni, tout en étant d'avis que le programme actuellement appliqué s'est avéré très utile pour tous, et tout en déclarant que le Gouvernement du Royaume-Uni continuera à publier tout renseignement de cet ordre obtenu en Allemagne, n'a pu se rallier à cette recommandation, car il n'a pas eu le temps de consulter, d'une manière appropriée, les autorités d'occupation en Allemagne, consultation estimée indispensable par le Gouvernement du Royaume-Uni.

3. La Délégation Française, tout en s'associant entièrement avec ce qui est rapporté au paragraphe 1 ci-dessus, a ajouté qu'en cette matière, la question de réciprocité devrait, naturellement, être prise en considération.

EN FOI DE QUOI les soussignés ont apposé leur signature au présent Acte Final. Fait à Londres le 27 juillet 1946 en français et en anglais, les deux textes faisant également foi, en un seul exemplaire, déposé dans les Archives du Royaume-Uni.

Le Gouvernement du Royaume-Uni transmettra à tous les Gouvernements représentés à cette Conférence des copies certifiées conformes du présent Acte Final.

(Suivent les noms des Plénipotentiaires pour l'Australie, la Belgique, le Canada (N. A. Robertson), le Danemark, les Etats-Unis d'Amérique, la France, le Luxembourg, la Norvège, les Pays-Bas, le Royaume-Uni, la Tchécoslovaquie, l'Union de l'Afrique du Sud.)

ANNEXE

ACCORD

Les gouvernements signataires du présent accord, désireux de régler le sort des brevets ayant appartenu à des Allemands, et actuellement en la possession desdits gouvernements ou sous leur contrôle:

Ont convenu et arrêté les dispositions suivantes:

Article 1

Sous réserve des dispositions stipulées aux articles suivants, tout gouvernement partie à l'accord, s'engage:

à mettre à la disposition du public ou à placer dans le domaine public, tous les brevets ayant appartenus à des Allemands, en sa possession ou sous son con-

relating to German-owned property, which have not ceased or been dedicated to the public, shall be dedicated to the public or placed in the public domain or continuously offered for licensing without royalty to the nationals of all Governments, parties to this Accord.

Article 2

In cases where a Government, party to this Accord, makes available by the grant of licences or otherwise to its own nationals rights under patents in which there was formerly a German interest (other than the patents specified in Article 1), such rights shall be made available to the nationals of all Governments, parties to this Accord, on the same terms as to the nationals of that Government.

Article 3

Subject to the provisions of Article 4, all licences granted in accordance with Article 1 and, in cases where the Government is not prevented by the terms of the patent, licence or other right which it acquires, all licences granted in accordance with Article 2 shall include the right to practise and exercise the inventions claimed in the patents, and to make, use and sell the products of the inventions regardless of where such products are manufactured.

Article 4

The provisions of Articles 1 and 2 shall be subject to the right of each Government to take appropriate measures to protect and preserve proprietary, licence or other rights or interests in such patents which have been before the 1st August, 1946, lawfully granted to or acquired by any non-German. An exclusive licence granted before the 1st August, 1946, may be protected by declining to grant any new licence during the period of such exclusive licence, and a non-exclusive licence may be protected by imposing on new licensees the same terms as those imposed on the existing licensee.

Article 5

For the purposes of this Accord, each Government may treat as non-German-owned those patents, or interests in patents, belonging to persons in special classes (such as Germans residing outside Germany, German refugees, etc.) whose property that Government has exempted or may in the future exempt from its general law and regulations relating to German-owned property.

Article 6

In order to carry out the purposes of this Accord and to provide for the interchange of information through a central office, the Government of the French Republic will provide facilities for receiving and disseminating reports from Governments, parties to this Accord, and for notifying these Governments of matters of common interest under this Accord.

Article 7

Each Government, party to this Accord, shall furnish as soon as possible to the central office referred to in Article 6, for transmission to the other Governments, parties to this Accord, a list of all former wholly or partly German-owned patents which are not available to the nationals of these Governments by

trôle d'après les dispositions législatives en vigueur ou les stipulations relatives à la propriété allemande, brevets accordés par lui et qui se trouvent encore en vigueur, ou à en accorder, à tout moment, des licences sans redevances aux ressortissants de tous les gouvernements parties à cet accord.

Article 2

Si un gouvernement, partie à l'accord met à la disposition de ses propres ressortissants, soit en concédant des licences, soit de toute autre manière, des droits relatifs aux brevets sur lesquels existaient auparavant un droit appartenant à un Allemand (autre que les brevets visés à l'article 1) ces droits seront également à la disposition des ressortissants de tous les Etats, parties à cet accord, et dans les mêmes conditions.

Article 3

Sous réserve des dispositions stipulées à l'article 4, toutes les licences accordées d'après les dispositions de l'article 1 et dans les cas où le gouvernement n'en est pas empêché par les conditions du brevet, de la licence ou de tout autre droit tombé en sa possession, toutes les licences accordées conformément à l'article 2 comprendront le droit d'exploiter les inventions sous brevet et de fabriquer, utiliser et vendre les produits de ces inventions sans tenir compte du lieu de production.

Article 4

Les dispositions des articles 1 et 2 ne porteront pas atteinte aux droits de chaque gouvernement de prendre les mesures qu'il jugera appropriées pour protéger et maintenir les droits de propriété, de licence, ou tous autres droits et intérêts relatifs aux brevets, qui ont été légalement accordés à des non-allemands, ou acquis par eux avant le 1er août 1946. Toute licence exclusive, accordée avant le 1er août 1946, pourra être protégée par le refus d'accorder toute autre licence pendant la durée d'une telle licence exclusive; et toute licence non exclusive pourra être protégée en imposant au nouveau bénéficiaire de la licence les mêmes conditions que celles imposées aux détenteurs actuels de cette licence.

Article 5

Dans le cadre du présent accord, chaque gouvernement pourra traiter comme n'étant pas de propriété allemande, tels brevets ou tels intérêts relatifs à des brevets appartenant à des catégories déterminées de personnes (par exemple les allemands résidant hors d'Allemagne, les réfugiés allemands etc., ...) dont la propriété a été ou sera exemptée par ce gouvernement des dispositions générales relatives au contrôle de la propriété allemande.

Article 6

En vue de faciliter l'application du présent accord et afin d'assurer l'échange des renseignements grâce à un bureau central, le Gouvernement de la République Française fera le nécessaire pour recevoir et diffuser les rapports provenant des gouvernements parties à cet accord et pour informer ces gouvernements des sujets d'intérêt communs visés par l'accord.

Article 7

Tout gouvernement partie au présent accord, fournira, aussitôt que possible, au bureau central visé à l'article 6, pour être communiquée aux autres gouvernements parties à cet accord, une liste de tous les brevets ayant autrefois entièrement ou partiellement appartenu à des allemands, qui ne seront pas accessibles aux ressortissants de ces gouvernements par voie de mise à la disposition du public ou de concession de licence sans redevance, ainsi qu'un tableau des licences

way of dedication or royalty-free licences, together with a schedule of the licences and of non-German interests existing under or in those patents. In addition, the Governments, which can conveniently do so, shall furnish a list of all such patents still in force which are licensable on a royalty-free basis and of all such patents as have ceased or been dedicated to the public.

Article 8

The present Accord shall remain open for signature in London on behalf of any Government represented at the Conference in London until the 31st December, 1946. The Government of the United Kingdom shall notify to all other Governments represented at the Conference the names of the Governments on whose behalf the Accord has been signed.

Article 9

The Government of any other member of the United Nations, or of any country which remained neutral during the second World War, may become a party to this Accord by notifying the Government of the United Kingdom of its acceptance thereof before the 1st January, 1947. The Government of the United Kingdom shall inform all Governments represented at the Conference in London on German-owned patents, or which have accepted this Accord under this Article, of all acceptances so notified.

Article 10

Any Government, party to this Accord, may extend the Accord to any of its colonies, overseas territories, or to any territories under its protection or jurisdiction or which it administers under mandate, by a notification addressed to the Government of the United Kingdom.

The Government of the United Kingdom shall inform all other Governments, party to this Accord, of any notification which it receives under this Article.

Article 11

This Accord shall come into force as soon as it has been signed or accepted by the Governments of the French Republic, the United Kingdom, the United States of America and of four other countries.

IN WITNESS WHEREOF the undersigned duly authorised thereto have signed the present Accord.

Done in London this 27th day of July, 1946, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom. The Government of the United Kingdom shall transmit certified copies of this Accord to all Governments represented at the Conference in London on German-owned patents and to all Governments entitled to become a party to this Accord under the provisions of Article 9.

(Here follow the names of the signatories.)

et des intérêts non allemands qui existent sur ces brevets. De plus, les gouvernements qui pourront le faire sans inconvenient, devront fournir une liste des brevets encore en vigueur et sur lesquels pourront être accordées des licences sans redevances, ainsi que la liste de tous les brevets en question dont la validité a cessé ou qui ont été mis à la disposition du public.

Article 8

Le présent accord pourra être signé à Londres au nom de tout gouvernement représenté à la Conférence de Londres jusqu'au 31 décembre 1946.

Le Gouvernement du Royaume-Uni informera tous les autres gouvernements représentés à la Conférence des adhésions données ultérieurement à cet accord.

Article 9

Le gouvernement de tout autre Etat, membre des Nations Unies, ou de tout pays resté neutre au cours de la deuxième guerre mondiale, pourra devenir partie à cet accord, en notifiant son adhésion au Gouvernement du Royaume-Uni avant le 1er janvier 1947.

De telles adhésions seront portées par le Gouvernement du Royaume-Uni à la connaissance de tous les autres gouvernements représentés à la Conférence de Londres sur les brevets allemands, ou ayant adhéré à cet accord d'après les dispositions du présent article.

Article 10

Tout gouvernement, partie au présent accord, pourra l'étendre à chacune de ses colonies, territoires d'outre-mer, protectorats, territoires placés sous sa juridiction ou administration ou son mandat, en notifiant cette extension au Gouvernement du Royaume-Uni.

Le Gouvernement du Royaume-Uni informera chaque gouvernement partie à cet accord de toute notification qu'il recevra par application du présent article.

Article 11

Le présent accord entrera en vigueur dès qu'il aura été signé ou accepté par les Gouvernements de la République Française, du Royaume-Uni, des Etats-Unis d'Amérique et par ceux de quatre autres Etats.

EN FOI DE QUOI les soussignés, dûment autorisés à cet effet, ont signé le présent accord.

Fait à Londres le 27 juillet 1946, en français et en anglais, les deux textes faisant également foi en un seul exemplaire qui restera déposé dans les Archives du Gouvernement du Royaume-Uni. Le Gouvernement du Royaume-Uni transmettra des copies certifiées conformes de cet accord à chacun des gouvernements représentés à la Conférence de Londres sur les brevets allemands et à tout gouvernement, ayant le droit de devenir partie à cet accord en vertu des dispositions de l'article IX ci-dessus.

(Suivent les noms des signataires.)

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CANADA

TREATY SERIES, 1946
No. 47

CONSTITUTION
OF THE
INTERNATIONAL
REFUGEE ORGANIZATION
AND
RELATED DOCUMENTS

Done at Flushing Meadow (N.Y.), December 15, 1946

RECUEIL DES TRAITÉS 1946
No 47

CONSTITUTION
DE
L'ORGANISATION
INTERNATIONALE POUR LES REFUGIES
ET
DOCUMENTS CONNEXES

Faits à Flushing Meadow (N.-Y.), le 15 décembre 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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1947

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I

CONSTITUTION OF THE INTERNATIONAL REFUGEE ORGANIZATION

PREAMBLE

The Governments accepting this Constitution,

RECOGNIZING:

that genuine refugees and displaced persons constitute an urgent problem which is international in scope and character;

that as regards displaced persons, the main task to be performed is to encourage and assist in every way possible their early return to their country of origin;

that genuine refugees and displaced persons should be assisted by international action, either to return to their countries of nationality or former habitual residence or to find new homes elsewhere, under the conditions provided for in this Constitution; or in the case of Spanish Republicans, to establish themselves temporarily in order to enable them to return to Spain when the present Falangist regime is succeeded by a democratic regime;

that re-settlement and re-establishment of refugees and displaced persons be contemplated only in cases indicated clearly in the Constitution;

that genuine refugees and displaced persons, until such time as their repatriation or re-settlement and re-establishment is effectively completed, should be protected in their rights and legitimate interests, should receive care and assistance and, as far as possible, should be put to useful employment in order to avoid the evil and anti-social consequences of continued idleness; and

that the expenses of repatriation to the extent practicable should be charged to Germany and Japan for persons displaced by those Powers from countries occupied by them:

HAVE AGREED:

for the accomplishment of the foregoing purposes in the shortest possible time, to establish and do hereby establish, a non-permanent organization to be called the International Refugee Organization, a specialized agency to be brought into relationship with the United Nations, and accordingly

HAVE ACCEPTED THE FOLLOWING ARTICLES:

ARTICLE 1

MANDATE

The mandate of the Organization shall extend to refugees and displaced persons in accordance with the principles, definitions and conditions set forth in Annex I, which is attached to and made an integral part of this Constitution.

I

CONSTITUTION DE L'ORGANISATION INTERNATIONALE POUR LES REFUGIES

PREAMBULE

Les Gouvernements qui adhèrent à la présente Constitution,

RECONNAISSANT:

que les réfugiés et personnes déplacées authentiques constituent un problème urgent dont le caractère et la portée sont d'ordre international;

qu'en ce qui concerne les personnes déplacées, la principale tâche à accomplir doit être d'encourager et de seconder par tous les moyens possibles leur prompt retour dans leur pays d'origine;

que les réfugiés et personnes déplacées authentiques doivent recevoir une aide internationale afin de pouvoir retourner dans le pays dont ils ont la nationalité ou dans lequel ils avaient antérieurement leur résidence habituelle, ou trouver un nouveau foyer dans un autre lieu, dans les conditions prévues par la présente Constitution; ou, dans le cas des Républicains espagnols, de s'établir temporairement afin de pouvoir rentrer en Espagne lorsqu'un régime démocratique aura succédé au régime phalangiste actuel;

que la réinstallation et le réétablissement des réfugiés et des personnes déplacées ne doivent être envisagés que dans des cas tels que ceux qui sont nettement définis par la Constitution;

que les réfugiés et personnes déplacées authentiques, en attendant que leur rapatriement ou leur réinstallation et réétablissement soient effectivement terminés, doivent être protégés dans leurs droits et intérêts légitimes, recevoir aide et assistance et, dans toute la mesure du possible, être employés utilement, afin d'éviter les conséquences funestes et antisociales qu'entraîne l'oisiveté prolongée; et

que doivent être imputés, dans la mesure du possible, à l'Allemagne et au Japon les frais de rapatriement des personnes que, du fait de ces deux Puissances, ont dû quitter les pays victimes de l'occupation;

ONT CONVENU:

pour atteindre aussi rapidement que possible les buts énoncés ci-dessus, d'établir, et établissent par les présentes, un organisme n'ayant pas de caractère permanent qui prendra le nom d'Organisation internationale pour les réfugiés et constituera une institution spécialisée qui devra être reliée à l'Organisation des Nations Unies; et en conséquence.

ONT ADOPTÉ LES ARTICLES SUIVANTS:

ARTICLE 1

MANDAT

Le mandat de l'Organisation s'étendra aux réfugiés et personnes déplacées, conformément aux principes, définitions et conditions figurant à l'Annexe I, qui est jointe à la Constitution et en fait partie intégrante.

ARTICLE 2

FUNCTIONS AND POWERS

1. The functions of the Organization to be carried out in accordance with the purposes and the principles of the Charter of the United Nations, shall be: the repatriation; the identification, registration and classification; the care and assistance; the legal and political protection; the transport; and the re-settlement and re-establishment, in countries able and willing to receive them, of persons who are the concern of the Organization under the provisions of Annex I. Such functions shall be exercised with a view:

(a) to encouraging and assisting in every way possible the early return to their country of nationality, or former habitual residence, of those persons who are the concern of the Organization, having regard to the principles laid down in the resolution on refugees and displaced persons adopted by the General Assembly of the United Nations on 12 February 1946 (Annex III) and to the principles set forth in the Preamble, and to promoting this by all possible means, in particular by providing them with material assistance, adequate food for a period of three months from the time of their departure from their present places of residence provided they are returning to a country suffering as a result of enemy occupation during the war, and provided such food shall be distributed under the auspices of the Organization; and the necessary clothing and means of transportation; and

(b) with respect to persons for whom repatriation does not take place under paragraph 1 (a) of this article to facilitating:

- (i) their re-establishment in countries of temporary residence;
- (ii) the emigration to, re-settlement and re-establishment in other countries of individuals or family units; and
- (iii) as may be necessary and practicable, within available resources and subject to the relevant financial regulations, the investigation, promotion or execution of projects of group re-settlement or large-scale re-settlement;

(c) with respect to Spanish Republicans to assisting them to establish themselves temporarily until the time when a democratic regime in Spain is established.

2. For the purpose of carrying out its functions, the Organization may engage in all appropriate activities, and to this end, shall have power:

- (a) to receive and disburse private and public funds;
- (b) as necessary to acquire land and buildings by lease, gift, or in exceptional circumstances only, by purchase; and to hold such land and buildings or to dispose of them by lease, sale or otherwise;
- (c) to acquire, hold and convey other necessary property;
- (d) to enter into contracts, and undertake obligations; including contracts with Governments or with occupation or control authorities, whereby such authorities would continue, or undertake, in part or in whole, the care and maintenance of refugees and displaced persons in territories under their authority, under the supervision of the Organization;
- (e) to conduct negotiations and conclude agreements with Governments;

ARTICLE 2

FONCTIONS ET POUVOIRS

1. L'Organisation doit, conformément aux buts et principes énoncés dans la Charte des Nations Unies, se charger du rapatriement; de l'identification, de l'inscription et du classement des personnes relevant de sa compétence, conformément aux dispositions de l'Annexe I; des soins et de l'assistance à leur fournir; de la protection juridique et politique à laquelle elles ont droit; de leur transport ainsi que de leur réinstallation et de leur réétablissement dans les pays qui peuvent et qui désirent les accueillir. Ces fonctions seront exercées en vue:

a) d'encourager et de seconder par tous les moyens possibles le prompt retour, dans le pays dont elles ont la nationalité ou dans lequel elles avaient autrefois leur résidence habituelle, des personnes qui relèvent de l'Organisation, en tenant compte des principes établis par la résolution sur les réfugiés et les personnes déplacées, adoptée par l'Assemblée générale des Nations Unies le 12 février 1946 (Annexe III), ainsi que des principes énoncés dans le Préambule, et d'aider à ces fins par tous les moyens, notamment en leur fournissant une aide matérielle, des vivres suffisants pour une période de trois mois à dater du moment où elles quittent leur résidence actuelle, à condition qu'elles retournent dans un pays souffrant encore des effets de l'occupation ennemie pendant la guerre, et que ces vivres soient distribués sous les auspices de l'Organisation et en leur procurant également les vêtements et les moyens de transport nécessaires;

b) en ce qui concerne les personnes dont le rapatriement n'a pas lieu en vertu du paragraphe *a*) du présent article, de faciliter:

- (i) leur réétablissement dans les pays de résidence provisoire;
- (ii) l'émigration, la réinstallation et le réétablissement de personnes seules ou de familles dans d'autres pays; et
- (iii) dans la mesure où cela sera nécessaire et possible, selon les ressources disponibles et sous réserve des dispositions financières pertinentes, l'étude, l'établissement ou l'exécution de projets de réétablissement en groupe ou en grand.

c) dans le cas des Républicains espagnols, de les aider à s'établir temporairement jusqu'au moment où un régime démocratique sera établi en Espagne.

2. Pour s'acquitter de ces fonctions, l'Organisation peut se livrer à toutes les activités appropriées et, à cette fin, est habilitée:

a) à recevoir et à débourser des fonds privés et publics;

b) à se procurer, dans la mesure nécessaire, des terrains et des bâtiments, soit en les prenant à bail, soit en les acceptant comme dons, soit, dans des circonstances exceptionnelles seulement en les achetant; et à détenir ces terrains et bâtiments ou à en disposer en les donnant à bail, en les vendant ou de toute autre façon;

c) à acquérir, à conserver et à céder tous autres biens qui lui seront nécessaires;

d) à assumer des responsabilités et à passer des contrats, notamment des contrats soit avec des Gouvernements, soit avec des autorités de contrôle ou d'occupation, aux termes desquels lesdites autorités continueraient, ou se chargereraient, d'assurer en tout ou partie le soin et l'entretien des réfugiés et personnes déplacées se trouvant dans les territoires soumis à leur autorité sous la surveillance de l'Organisation;

e) à mener des négociations et à conclure des accords avec des Gouvernements;

(f) to consult and co-operate with public and private organizations whenever it is deemed advisable, in so far as such organizations share the purpose of the Organization and observe the principles of the United Nations;

(g) to promote the conclusion of bilateral arrangements for mutual assistance in the repatriation of displaced persons, having regard to the principles laid down in paragraph (c) (ii) of the resolution adopted by the General Assembly of the United Nations on 12 February 1946 regarding the problem of refugees (Annex III);

(h) to appoint staff, subject to the provisions of Article 9 of this Constitution;

(i) to undertake any project appropriate to the accomplishment of the purposes of this Organization;

(j) to conclude agreements with countries able and willing to receive refugees and displaced persons for the purpose of ensuring the protection of their legitimate rights and interests in so far as this may be necessary; and

(k) in general to perform any other legal act appropriate to its purposes.

ARTICLE 3

RELATIONSHIP TO THE UNITED NATIONS

The relationship between the Organization and the United Nations shall be established in an agreement between the Organization and the United Nations as provided in Articles 57 and 63 of the Charter of the United Nations.

ARTICLE 4

MEMBERSHIP

1. Membership in the Organization is open to Members of the United Nations. Membership is also open to any other peace-loving States, not members of the United Nations, upon recommendation of the Executive Committee, by a two-thirds majority vote of members of the General Council present and voting, subject to the conditions of the agreement between the Organization and the United Nations approved pursuant to article 3 of this Constitution.

2. Subject to the provisions of paragraph 1 of this article, the members of the Organization shall be those States whose duly authorized representatives sign this Constitution without reservation as to subsequent acceptance, and those States which deposit with the Secretary-General of the United Nations their instruments of acceptance after their duly authorized representatives have signed this Constitution with such reservation.

3. Subject to the provisions of paragraph 1 of this article, those States, whose representatives have not signed the Constitution referred to in the previous paragraph, or which, having signed it, have not deposited the relevant instrument of acceptance within the following six months, may, however, be admitted as members of the Organization in the following cases;

(a) if they undertake to liquidate any outstanding contributions in accordance with the relevant scale; or

(b) if they submit to the Organization a plan for the admission to their territory, as immigrants, refugees or displaced persons in such numbers, and on such settlement conditions as shall, in the opinion of the Organization,

f) à entrer en consultation et à collaborer avec des organismes publics ou privés, chaque fois que cela paraît utile, dans la mesure où ces organismes poursuivent les mêmes buts que l'Organisation et se conforment aux principes de l'Organisation des Nations Unies;

g) à favoriser la conclusion d'accords bi-latéraux d'assistance mutuelle dans l'œuvre de rapatriement des personnes déplacées, en tenant compte des principes énoncés au paragraphe c) (ii) de la résolution adoptée par l'Assemblée générale des Nations Unies, le 12 février 1946, ayant trait à la question des réfugiés (Annexe III);

h) à recruter du personnel, conformément aux dispositions de l'article 9 de la présente Constitution;

i) à prendre toute initiative de nature à faciliter l'accomplissement des tâches de l'Organisation;

j) à conclure des accords avec les pays qui peuvent et qui désirent accueillir des réfugiés ou des personnes déplacées, en vue d'assurer dans la mesure nécessaire la protection de leurs droits et intérêts légitimes; et,

k) d'une manière générale, à se livrer à toutes autres activités légales conformes à ses buts.

ARTICLE 3

RELATIONS AVEC L'ORGANISATION DES NATIONS UNIES

Les relations entre l'Organisation internationale pour les réfugiés et l'Organisation des Nations Unies sont établies par un accord conclu entre les deux Organisations comme il est prévu aux Articles 57 et 63 de la Charte des Nations Unies.

ARTICLE 4

COMPOSITION

1. Les Membres de l'Organisation des Nations Unies peuvent devenir membres de l'Organisation internationale pour les réfugiés. Les autres Etats pacifiques qui ne sont pas Membres des Nations Unies peuvent également devenir membres de l'Organisation sur la recommandation du Comité exécutif, par un vote à la majorité des deux tiers des membres présents et votant du Conseil général, sous réserve des stipulations de l'accord conclu entre l'Organisation et l'Organisation des Nations Unies, approuvées conformément à l'article 3 de la présente Constitution.

2. Sous réserve des dispositions du paragraphe 1 du présent article, seront membres de l'Organisation les Etats dont le représentant dûment autorisé aura signé la Constitution sans formuler de réserves quant à son acceptation ultérieure et les Etats qui auront déposé leurs instruments d'acceptation auprès du Secrétaire général, après que leur représentant dûment autorisé aura signé cette Constitution en formulant une réserve sur ce point.

3. Sous réserve des dispositions du paragraphe 1 du présent article, les Etats dont les représentants n'auraient pas signé la Constitution mentionnée au paragraphe précédent ou qui, après l'avoir signée, n'auraient pas déposé dans les six mois leur instrument d'acceptation, pourront cependant être admis comme membres de l'Organisation dans les cas suivants:

a) s'ils s'engagent à verser leurs contributions arriérées conformément au barème prévu; ou

b) s'ils présentent à l'Organisation un plan pour l'accueil de réfugiés ou de personnes déplacées en qualité d'immigrants dans leurs territoires respectifs; dans ce cas, le nombre et les conditions d'établissement de ces

require from the applicant State an expenditure or investment equivalent, or approximately equivalent, to the contribution that they would be called upon, in accordance with the relevant scale, to make to the budget of the Organization.

4. Those States which, on signing the Constitution, express their intention to avail themselves of clause (b) of paragraph 3 of this article may submit the plan referred to in that paragraph within the following three months, without prejudice to the presentation within six months of the relevant instrument of acceptance.

5. Members of the Organization which are suspended from the exercise of the rights and privileges of Membership of the United Nations shall, upon request of the latter, be suspended from the rights and privileges of this Organization.

6. Members of the Organization which are expelled from the United Nations shall automatically cease to be members of this Organization.

7. With the approval of the General Assembly of the United Nations, members of the Organization which are not members of the United Nations, and which have persistently violated the principles of the Charter of the United Nations may be suspended from the rights and privileges of the Organization, or expelled from its membership by the General Council.

8. A member of the Organization which has persistently violated the principles contained in the present Constitution, may be suspended from the rights and privileges of the Organization by the General Council, and with the approval of the General Assembly of the United Nations, may be expelled from the Organization.

9. A member of the Organization undertakes to afford its general support to the work of the Organization.

10. Any member may at any time give written notice of withdrawal to the Chairman of the Executive Committee. Such notice shall take effect one year after the date of its receipt by the Chairman of the Executive Committee.

ARTICLE 5

ORGANS

There are established as the principal organs of the Organization: a General Council, an Executive Committee and a Secretariat.

ARTICLE 6

THE GENERAL COUNCIL

1. The ultimate policy-making body of the Organization shall be the General Council in which each member shall have one representative and such alternates and advisers as may be necessary. Each member shall have one vote in the General Council.

2. The General Council shall be convened in regular session not less than once a year by the Executive Committee provided, however, that for three years after the Organization comes into being the General Council shall be convened in regular session not less than twice a year. It may be convened in special session whenever the Executive Committee shall deem necessary; and it shall be convened in special session by the Director-General within thirty days after a request for such a special session is received by the Director-General from one-third of the members of the Council.

immigrants devraient être tels qu'au jugement de l'Organisation ils imposent à l'Etat en question une dépense équivalente ou approximativement équivalente à la contribution au budget de l'Organisation qu'il devrait verser, conformément au barème des contributions prévu.

4. Les Etats qui, au moment où ils signeront la Constitution, exprimeront le désir de se prévaloir de la disposition b) du paragraphe 3 du présent article, pourront présenter dans les trois mois le plan prévu dans ce même paragraphe, sans préjudice du dépôt de leur instrument d'acceptation dans les six mois.

5. Les membres de l'Organisation qui sont suspendus de l'exercice de leurs droits et priviléges de membres de l'Organisation des Nations Unies, suspendus de leurs droits et priviléges de membres de l'Organisation internationale pour les réfugiés.

6. Les membres de l'Organisation qui sont exclus de l'Organisation des Nations Unies perdent automatiquement leur qualité de membre de l'Organisation.

7. Les membres de l'Organisation qui ne sont pas Membres de l'Organisation des Nations Unies et qui ont enfreint de façon persistante les principes de la Charte des Nations Unies, peuvent, sous réserve de l'approbation de l'Assemblée générale des Nations Unies, être suspendus des droits et priviléges de l'Organisation ou en être exclus par le Conseil général.

8. Tout membre de l'Organisation qui enfreint de manière réitérée les principes énoncés dans la présente Constitution peut, par décision du Conseil général, encourir la suspension des droits et priviléges attachés à la qualité de membre de l'Organisation et, avec l'assentiment de l'Assemblée générale de l'Organisation des Nations Unies, la perte de cette qualité.

9. Tout membre de l'Organisation s'engage à donner son appui général à l'œuvre de l'Organisation.

10. Tout membre peut à n'importe quel moment donner au Président du Comité exécutif un préavis de démission par écrit. Ce préavis prendra effet un an après la date à laquelle il aura été reçu par le Président du Comité exécutif.

ARTICLE 5

ORGANES

Les principaux organes de l'Organisation seront: le Conseil général, le Comité exécutif et le Secrétariat.

ARTICLE 6

CONSEIL GENERAL

1. La direction suprême de l'Organisation est assurée par le Conseil général, au sein duquel chaque membre aura un représentant et les suppléants et conseillers qu'il peut juger nécessaires. Chaque membre dispose d'une voix au Conseil général.

2. Le Conseil général est convoqué au moins une fois par an, en session ordinaire, par le Comité exécutif. Il est entendu toutefois que, au cours des trois premières années qui suivront la création de l'Organisation, il sera convoqué en session ordinaire au moins deux fois par an. Il peut être convoqué en session extraordinaire chaque fois que le Comité exécutif le jugera nécessaire; il sera convoqué en session extraordinaire par le Directeur général dans un délai de trente jours à compter de la date à laquelle le Directeur général aura reçu une demande à cet effet, formulée par un tiers des membres du Conseil.

3. At the opening meeting of each session of the General Council, the Chairman of the Executive Committee shall preside until the General Council has elected one of its members as Chairman for the session.

4. The General Council shall thereupon proceed to elect from among its members a first Vice-Chairman and a second Vice-Chairman, and such other officers as it may deem necessary.

ARTICLE 7

EXECUTIVE COMMITTEE

1. The Executive Committee shall perform such functions as may be necessary to give effect to the policies of the General Council, and may make, between sessions of the General Council, policy decisions of an emergency nature which it shall pass on to the Director-General, who shall be guided thereby, and shall report to the Executive Committee on the action which he has taken thereon. These decisions shall be subject to reconsideration by the General Council.

2. The Executive Committee of the General Council shall consist of the representatives of nine members of the Organization. Each member of the Executive Committee shall be elected for a two-year term by the General Council at a regular session of the Council. A member may continue to hold office on the Executive Committee during any such period as may intervene between the conclusion of its term of office and the first succeeding meeting of the General Council at which an election takes place. A member shall be at all times eligible for re-election to the Executive Committee. If a vacancy occurs in the membership of the Executive Committee between two sessions of the General Council, the Executive Committee may fill the vacancy by itself appointing another member to hold office until the next meeting of the Council.

3. The Executive Committee shall elect a Chairman and a Vice-Chairman from among its members, the terms of office to be determined by the General Council.

4. Meetings of the Executive Committee shall be convened:

(a) at the call of the Chairman, normally twice a month;

(b) whenever any representative of a member of the Executive Committee shall request the convening of a meeting, by a letter addressed to the Director-General, in which case the meeting shall be convened within seven days of the date of the receipt of the request;

(c) in the case of a vacancy occurring in the Chairmanship, the Director-General shall convene a meeting at which the first item on the agenda shall be the election of a Chairman.

5. The Executive Committee may, in order to investigate the situation in the field, either as a body or through a delegation of its members, visit camps, hostels or assembly points within the control of the Organization, and may give instructions to the Director-General in consequence of the reports of such visits.

6. The Executive Committee shall receive the reports of the Director-General as provided in paragraph 6 of article 8 of this Constitution, and, after consideration thereof, shall request the Director-General to transmit these reports to the General Council with such comments as the Executive Committee may consider appropriate. These reports and such comments shall be transmitted to all members of the General Council before its next regular session and shall be published. The Executive Committee may request the Director-General to submit such further reports as may be deemed necessary.

3. Lors de la séance d'ouverture de chaque session du Conseil général, le Président du Comité exécutif exerce la présidence jusqu'à ce que le Conseil général ait élu un de ses membres comme Président de la session.

4. Le Conseil général élit ensuite parmi ses membres un premier Vice-Président et un second Vice-Président, ainsi que tous autres membres de son Bureau qu'il juge nécessaires.

ARTICLE 7

COMITE EXECUTIF

1. Le Comité exécutif exercera les fonctions qui pourront être nécessaires pour mettre à exécution les décisions du Conseil général sur la politique à suivre; Il pourra dans l'intervalle des sessions du Conseil général, prendre des décisions ayant un caractère d'urgence, qu'il communiquera au Directeur général. Ce dernier s'en inspirera et fera rapport au Comité exécutif au sujet des mesures qu'il aura prises pour appliquer lesdites décisions; ces décisions seront sujettes à un nouvel examen par le Conseil général.

2. Le Comité exécutif du Conseil général se compose des représentants de neuf membres de l'Organisation. Les membres du Comité exécutif sont élus pour deux ans par le Conseil général au cours d'une session ordinaire. Un membre peut continuer à exercer ses fonctions au sein du Comité exécutif pendant la période qui s'écoulera entre la date d'expiration de son mandat et la réunion suivante du Conseil général au cours de laquelle on procédera à une élection. Un membre est à tout moment rééligible au Comité exécutif. S'il se produit une vacance au Comité exécutif dans l'intervalle qui sépare deux sessions du Conseil général, le Comité exécutif peut y pourvoir en nommant lui-même un autre membre, qui l'occupera jusqu'à la prochaine séance du Conseil.

3. Le Comité exécutif choisit parmi ses membres un Président et un Vice-président, dont la durée de mandat sera fixée par le Conseil général.

4. Le Comité exécutif se réunit

a) sur convocation du Président, d'ordinaire deux fois par mois;

b) chaque fois que l'un des représentants d'un membre du Comité exécutif demande la convocation d'une réunion par lettre adressée au Directeur général; dans ce cas, la réunion sera convoquée dans un délai de sept jours à compter de la date de la réception de ladite demande;

c) si la présidence se trouve vacante, le Directeur général convoque une réunion dont l'ordre du jour comporte comme premier point l'élection d'un Président.

5. En vue de se rendre compte sur place de la situation, le Comité exécutif peut, soit en corps constitué, soit par une délégation de ses membres, visiter les camps, centres ou points de rassemblement relevant du contrôle de l'Organisation et donner au Directeur général les instructions que lui suggèrent les rapports rédigés à la suite de ces visites.

6. Le Comité exécutif reçoit les rapports du Directeur général, comme il est prévu au paragraphe 6 de l'article 8 de la présente Constitution; après en avoir pris connaissance, il invite le Directeur général à les transmettre au Conseil général, avec les commentaires que le Comité exécutif peut juger appropriés. Ces rapports et ces commentaires sont transmis à tous les membres du Conseil général avant la session ordinaire suivante de ce Conseil, et sont ensuite publiés. Le Comité exécutif peut demander au Directeur général de soumettre tous rapports supplémentaires qu'il peut juger nécessaires.

ARTICLE 8**ADMINISTRATION**

1. The chief administrative officer of the Organization shall be the Director-General. He shall be responsible to the General Council and the Executive Committee and shall carry out the administrative and executive functions of the Organization in accordance with the decisions of the General Council and the Executive Committee, and shall report on the action taken thereon.

2. The Director-General shall be nominated by the Executive Committee and appointed by the General Council. If no person acceptable to the General Council is nominated by the Executive Committee, the General Council may proceed to appoint a person who has not been nominated by the Committee. When a vacancy occurs in the office of the Director-General the Executive Committee may appoint an Acting Director-General to assume all the duties and functions of the office until a Director-General can be appointed by the General Council.

3. The Director-General shall serve under a contract which shall be signed on behalf of the Organization by the Chairman of the Executive Committee and it shall be a clause of such contract that six months' notice of termination can be given on either side. In exceptional circumstances, the Executive Committee, subject to subsequent confirmation by the General Council, has the power to relieve the Director-General of his duties by a two-thirds majority vote of the members if, in the Committee's opinion, his conduct is such as to warrant such action.

4. The staff of the Organization shall be appointed by the Director-General under regulations to be established by the General Council.

5. The Director-General shall be present, or be represented by one of his subordinate officers, at all meetings of the General Council, or the Executive Committee and of all other committees and sub-committees. He or his representatives may participate in any such meeting but shall have no vote.

6. (a) The Director-General shall prepare at the end of each half-year period a report on the work of the Organization. The report prepared at the end of each alternate period of six months shall relate to the work of the Organization during the preceding year and shall give a full account of the activities of the Organization during that period. These reports shall be submitted to the Executive Committee for consideration, and thereafter shall be transmitted to the General Council together with any comments of the Executive Committee thereon, as provided by paragraph 6 of article 7 of this Constitution.

(b) At every special session of the General Council the Director-General shall present a statement of the work of the Organization since the last meeting.

ARTICLE 9**STAFF**

1. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. A further consideration in the employment of the staff shall be adherence to the principles laid down in the present Constitution. Due regard shall be paid to the importance of recruiting staff on an appropriate geographical basis, and of employing an adequate number of persons from the countries of origin of the displaced persons.

ARTICLE 8

ADMINISTRATION

1. Le plus haut fonctionnaire de l'Organisation est le Directeur général. Il est responsable devant le Conseil général et le Comité exécutif et il administre et dirige l'Organisation conformément aux décisions du Conseil général et du Comité exécutif; il fait un rapport sur les mesures prises pour appliquer ces décisions.

2. Le Directeur général est présenté par le Comité exécutif et nommé par le Conseil général. Si le Comité exécutif ne présente pas de candidat que le Conseil général puisse accepter, celui-ci peut nommer une personne qui n'a pas été présentée par le Comité. Si le poste de Directeur général devient vacant, le Comité exécutif peut nommer un Directeur général par intérim qui assumera toutes les charges et fonctions de ce poste jusqu'à ce que le Conseil général puisse nommer un Directeur général.

3. Le Directeur général remplit ses fonctions aux termes d'un contrat signé, au nom de l'Organisation, par le Président du Comité exécutif; ce contrat contiendra une clause de résiliation avec préavis de six mois valable pour les deux parties. Dans des circonstances exceptionnelles, et sous réserve de confirmation ultérieure de la part du Conseil général, le Comité exécutif a pouvoir de relever le Directeur général de ses fonctions, par un vote de la majorité des deux tiers des membres si, de l'avis du Comité, la conduite du Directeur général justifie une telle décision.

4. Le personnel de l'Organisation est nommé par le Directeur général, selon les règles à établir par le Conseil général.

5. Le Directeur général assiste, ou se fait représenter par l'un de ses subordonnés, à toutes les réunions du Conseil général, du Comité exécutif et de tous les autres comités et sous-comités. Lui-même, ou son représentant, peut prendre part, sans droit de vote, à ces réunions.

6. a) Le Directeur général prépare à l'expiration de chaque semestre un rapport sur les activités de l'Organisation. Chaque année, le second de ces rapports semestriels devra porter sur les travaux de l'Organisation pour l'ensemble de l'année écoulée et fournir un compte rendu complet de ces activités au cours de cette période. Ces rapports sont soumis pour examen au Comité exécutif et transmis ensuite au Conseil général, accompagnés des commentaires du Comité exécutif, comme il est prévu au paragraphe 6 de l'article 7 de la présente Constitution.

b) Au cours de chaque session extraordinaire du Conseil général, le Directeur général présente un exposé des activités de l'Organisation depuis la réunion précédente.

ARTICLE 9

PERSONNEL

1. En recrutant le personnel et en fixant les conditions de travail, on tiendra compte, avant tout, de la nécessité de s'assurer les services de personnes possédant les plus hautes qualités d'expérience, de compétence et d'intégrité. On veillera en outre à ne pas s'écartier des principes énoncés dans la présente Constitution. On tiendra dûment compte de l'importance qu'il y a à recruter le personnel sur une base géographique équitable et à employer un nombre approprié de personnes appartenant aux pays d'origine des personnes déplacées.

2. No person shall be employed by the Organization who is excluded under Part II, other than paragraph 5, of Annex I to this Constitution, from becoming the concern of the Organization.

3. In the performance of their duties, the Director-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization. Each member of the Organization undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

ARTICLE 10

FINANCE

1. The Director-General shall submit, through the Executive Committee, to the General Council an annual budget, covering the necessary administrative, operational and large-scale re-settlement expenditures of the Organization, and from time to time such supplementary budgets as may be required. The Executive Committee shall transmit the budget to the General Council with any remarks it may deem appropriate. Upon final approval of a budget by the General Council, the total under each of these three headings—to wit, "administrative", "operational" and "large-scale re-settlement"—shall be allocated to the members in proportions for each heading to be determined from time to time by a two-thirds majority vote of the members of the General Council present and voting.

2. Contributions shall be payable, as a result of negotiations undertaken at the request of members between the Organization and such members, in kind or in such currency as may be provided for in a decision by the General Council, having regard to currencies in which the anticipated expenditure of the Organization will be effected from time to time, regardless of the currency in which the budget is expressed.

3. Each member undertakes to contribute to the Organization its share of the administrative expenses as determined and allocated under paragraphs 1 and 2 of this article.

4. Each member shall contribute to the operational expenditures—except for large-scale re-settlement expenditures—as determined and allocated under paragraphs 1 and 2 of this article, subject to the requirements of the constitutional procedure of such members. The members undertake to contribute to the large-scale re-settlement expenditures on a voluntary basis and subject to the requirements of their constitutional procedure.

5. A member of the Organization, which, after the expiration of a period of three months following the date of the coming into force of this Constitution, has not paid its financial contribution to the Organization for the first financial year, shall have no vote in the General Council or the Executive Committee until such contribution has been paid.

6. Subject to the provisions of paragraph 5 of this article, a member of the Organization which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Council or the Executive Committee if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding one full year.

2. L'Organisation ne pourra employer de personnes qui sont exclues de sa compétence aux termes de la deuxième partie de l'Annexe I de la présente Constitution (exception faite des dispositions du paragraphe 5 de cette partie).

3. Dans l'accomplissement de leurs devoirs, le Directeur général et le personnel ne solliciteront ou n'accepteront d'instructions d'aucun gouvernement ni d'aucune autorité extérieure à l'Organisation. Ils s'abstiendront de tout acte incompatible avec leur situation de fonctionnaires internationaux qui ne sont responsables qu'envers l'Organisation. Chaque membre de l'Organisation s'engage à respecter le caractère exclusivement international des devoirs du Directeur général et du personnel et à ne pas chercher à les influencer dans l'exécution de leur tâche.

ARTICLE 10

FINANCES

1. Le Directeur général soumet au Conseil général, par l'entremise du Comité exécutif, un budget annuel pour couvrir les dépenses nécessaires d'administration et d'exécution de l'Organisation, ainsi que ses dépenses afférentes aux projets de réétablissement en grand, et, de temps à autre, les budgets supplémentaires nécessaires. Le Comité exécutif transmet le budget au Conseil général avec les observations qu'il estime appropriées. Après approbation définitive du budget par le Conseil général, le total des montants figurant sous les trois rubriques indiquées ci-dessus—à savoir, "administration", "exécution", "projets de réétablissement en grand"—est réparti entre les membres et par rubrique, dans des proportions qui sont fixées de temps à autre par un vote de la majorité des deux tiers des membres du Conseil général présents et votant.

2. Les contributions sont payées, à la suite de négociations engagées, sur la demande des membres, entre l'Organisation et lesdits membres, en nature ou dans la monnaie qui sera fixée par une décision du Conseil général, en tenant compte des monnaies dans lesquelles il est à prévoir que les dépenses de l'Organisation seront effectuées de temps à autre, quelle que soit la monnaie dans laquelle le budget est exprimé.

3. Chaque membre s'engage à contribuer aux dépenses administratives de l'Organisation, dans la proportion qui lui aura été fixée et assignée conformément aux paragraphes 1 et 2 du présent article.

4. Chaque membre contribue aux dépenses d'exécution—les dépenses afférentes aux projets de réétablissement en grand exceptées—dans la proportion qui lui est assignée conformément aux paragraphes 1 et 2 du présent article et sous réserve des exigences de la procédure constitutionnelle de ce membre. Les membres s'engagent à contribuer aux dépenses afférentes aux projets de réétablissement en grand sur une base volontaire et sous réserve des exigences de leur procédure constitutionnelle.

5. Tout membre de l'Organisation qui, après l'expiration d'un délai de trois mois à compter de la date de l'entrée en vigueur de la présente Constitution, n'aura pas versé sa contribution aux dépenses de l'Organisation pour la première année financière, ne pourra voter, ni au Conseil général, ni au Comité exécutif, avant d'avoir acquitté cette contribution.

6. Sous réserve des dispositions du paragraphe 5 du présent article, tout membre de l'Organisation qui est en retard dans le paiement de sa contribution aux dépenses de l'Organisation ne pourra voter, ni au Conseil général, ni au Comité exécutif, si le montant de ses arriérés est égal ou supérieur au montant des contributions dues par ce membre pour l'année entière qui précède.

7. The General Council may, nevertheless, permit such members to vote if it is satisfied that the failure to pay is due to conditions beyond the control of such members.

8. The administrative budget of the Organization shall be submitted annually to the General Assembly of the United Nations for such review and recommendation as the General Assembly may deem appropriate. The agreement under which the Organization shall be brought into relationship with the United Nations under article 3 of this Constitution may provide, *inter alia*, for the approval of the administrative budget of the Organization by the General Assembly of the United Nations.

9. Without prejudice to the provisions concerning supplementary budgets in paragraph 1 of this article, the following exceptional arrangements shall apply in respect of the financial year in which this Constitution comes into force:

(a) the budget shall be the provisional budget set forth in Annex II to this Constitution; and

(b) the amounts to be contributed by the members shall be in the proportions set forth in Annex II to this Constitution.

ARTICLE 11

HEADQUARTERS AND OTHER OFFICES

1. The Organization shall establish its headquarters at Paris or at Geneva, as the General Council shall decide, and all meetings of the General Council and the Executive Committee shall be held at this headquarters, unless a majority of the members of the General Council or the Executive Committee have agreed, at a previous meeting or by correspondence with the Director-General to meet elsewhere.

2. The Executive Committee may establish such regional and other offices and representations as may be necessary.

3. All offices and representations shall be established only with the consent of the Government in authority in the place of establishment.

ARTICLE 12

PROCEDURE

1. The General Council shall adopt its own rules of procedure, following in general, the rules of procedure of the Economic and Social Council of the United Nations, wherever appropriate, and with such modifications as the General Council shall deem desirable. The Executive Committee shall regulate its own procedure subject to any decisions of the General Council in respect thereto.

2. Unless otherwise provided in the Constitution or by action of the General Council, motions shall be carried by simple majority of the members present and voting in the General Council and the Executive Committee.

ARTICLE 13

STATUS, IMMUNITIES AND PRIVILEGES

1. The Organization shall enjoy in the territory of each of its members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its objectives.

2. (a) The Organization shall enjoy in the territory of each of its members such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its objectives.

7. Le Conseil général peut, néanmoins, permettre à ces membres de voter, s'il arrive à la conclusion que le défaut de paiement est dû à des conditions indépendantes de la volonté de ces membres.

8. Le budget administratif de l'Organisation est présenté chaque année à l'Assemblée générale des Nations Unies afin que celle-ci l'examine et formule à son sujet les recommandations qu'elle jugera appropriées. L'accord par lequel l'Organisation sera reliée à l'Organisation des Nations Unies, conformément à l'article 3 de la présente Constitution, peut prévoir, entre autres, l'approbation du budget administratif de l'Organisation par l'Assemblée générale des Nations Unies.

9. Les dispositions exceptionnelles suivantes s'appliqueront à l'exercice financier au cours duquel la présente Constitution entrera en vigueur, sans préjudice des dispositions relatives aux budgets supplémentaires figurant au paragraphe 1 du présent article:

a) le budget sera le budget provisoire prévu dans l'Annexe II de la présente Constitution; et

b) le montant des contributions des membres correspondra au barème prévu dans l'Annexe II de la présente Constitution.

ARTICLE 11

SIEGE ET AUTRES BUREAUX

1. L'Organisation a son siège à Paris ou à Genève, suivant la décision du Conseil général, et toutes les réunions du Conseil général et du Comité exécutif ont lieu à ce siège, à moins que la majorité des membres du Conseil général ou du Comité exécutif n'ait décidé, au cours d'une réunion précédente ou à la suite de correspondance échangée avec le Directeur général, de se réunir ailleurs.

2. Le Comité exécutif peut établir tous les bureaux régionaux et autres, ainsi que toute forme de représentation, qu'il jugera nécessaire de créer.

3. Tous les bureaux et organes de représentation ne peuvent être établis qu'avec le consentement du Gouvernement qui exerce son autorité sur le territoire choisi pour son établissement.

ARTICLE 12

PROCEDURE

1. Le Conseil général adopte son propre règlement intérieur en s'inspirant dans l'ensemble, toutes les fois que cela sera opportun, du règlement intérieur du Conseil économique et social des Nations Unies et en y apportant les modifications qu'il estime utiles. Le Comité exécutif fixe sa propre procédure, sous réserve des décisions que le Conseil général peut prendre à cet égard.

2. Sauf dispositions contraires contenues dans la Constitution ou décidées par le Conseil général, les motions sont adoptées à la simple majorité des membres présents et votant au Conseil général et au Comité exécutif.

ARTICLE 13

STATUT, IMMUNITES ET PRIVILEGES

1. L'Organisation jouira, sur le territoire de chaque Etat membre, de la capacité juridique nécessaire pour exercer ses fonctions et atteindre ses objectifs.

2. a) L'Organisation jouira, sur le territoire de chaque Etat membre, des priviléges et immunités nécessaires pour exercer ses fonctions et atteindra ses objectifs.

(b) Representatives of members, officials and administrative personnel of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. Such legal status, privileges and immunities shall be defined in an agreement to be prepared by the Organization after consultation with the Secretary-General of the United Nations. The agreement shall be open to accession by all members and shall continue in force as between the Organization and every member which accedes to the agreement.

ARTICLE 14

RELATIONS WITH OTHER ORGANIZATIONS

1. Subject to the provisions of the agreement to be negotiated with the United Nations, pursuant to article 3 of this Constitution, the Organization may establish such effective relationships as may be desirable with other international organizations.

2. The Organization may assume all or part of the functions, and acquire all or part of the resources, assets and liabilities of any inter-governmental organization or agency, the purposes and functions of which lie within the scope of the Organization. Such action may be taken either through mutually acceptable arrangements with the competent authorities of such organizations or agencies, or pursuant to authority conferred upon the Organization by international convention or agreement.

ARTICLE 15

RELATIONSHIP WITH AUTHORITIES OF COUNTRIES OF LOCATION OF REFUGEES AND DISPLACED PERSONS

The relationship of the Organization with the Governments or administrations of countries in which displaced persons or refugees are located, and the conditions under which it will operate in such countries, shall be determined by agreements to be negotiated by it with such Governments or administrations in accordance with the terms of this Constitution.

ARTICLE 16

AMENDMENT OF CONSTITUTION

Texts of proposed amendments to this Constitution shall be communicated by the Director-General to members at least three months in advance of their consideration by the General Council. Amendments shall come into effect when adopted by a two-thirds majority of the members of the General Council present and voting and accepted by two-thirds of the members in accordance with their respective constitutional processes, provided, however, that amendments involving new obligations for members shall come into force in respect of each member only on acceptance by it.

b) Les représentants des Etats membres, les fonctionnaires et les employés de l'Organisation jouiront également des priviléges et immunités nécessaires au libre exercice de leurs fonctions au service de l'Organisation.

3. Cette capacité juridique et ces priviléges et immunités seront déterminés par un accord qui devra être préparé par l'Organisation, en consultation avec le Secrétaire général des Nations Unies. Cet accord, auquel tous les membres pourront adhérer, aura force exécutoire à l'égard de l'Organisation et de chacun des membres qui y adhéreront.

ARTICLE 14

RAPPORTS AVEC LES AUTRES ORGANISATIONS

1. Sans préjudice des dispositions de l'accord à négocier avec l'Organisation des Nations Unies par application de l'article 3 de la présente Constitution, l'Organisation internationale pour les réfugiés peut établir avec les autres organisations internationales les relations qui lui paraissent utiles.

2. L'Organisation peut assumer tout ou partie des fonctions et acquérir tout ou partie des ressources, de l'actif et du passif de toute organisation ou institution intergouvernementale, dont les buts et fonctions rentrent dans le cadre de son activité. Ce transfert peut s'effectuer, soit en vertu de dispositions prises d'un commun accord avec les autorités compétentes desdites organisations ou institutions internationales, ou en vertu de pouvoirs conférés à l'Organisation par une convention ou un accord international.

ARTICLE 15

RAPPORTS AVEC LES AUTORITES DES PAYS OU SE TROUVENT LES REFUGIES ET PERSONNES DEPLACEES

Les rapports entre l'Organisation et les Gouvernements ou administrations des pays où se trouvent les réfugiés et personnes déplacées, ainsi que les conditions dans lesquelles l'Organisation exercera son activité dans lesdits pays, seront fixés par des accords à négocier entre l'Organisation et ces Gouvernements ou administrations, conformément aux termes de la présente Constitution.

ARTICLE 16

AMENDEMENTS A LA CONSTITUTION

Les textes des amendements proposés à cette Constitution seront communiqués par le Directeur général aux Etats membres, trois mois au moins avant qu'ils ne soient examinés par le Conseil général. Les amendements prendront effet lorsqu'ils auront été adoptés à la majorité des deux tiers des membres présents et votant du Conseil général, et acceptés par les deux tiers des Etats membres, conformément à leurs règles constitutionnelles respectives, à condition toutefois que les amendements entraînant de nouvelles obligations pour les membres ne prennent effet pour chacun de ces membres qu'une fois qu'il les aura acceptées.

ARTICLE 17

INTERPRETATION

1. The Chinese, English, French, Russian and Spanish texts of this Constitution shall be regarded as equally authentic.

2. Subject to Article 96 of the Charter of the United Nations and of Chapter II of the Statute of the International Court of Justice, any question or dispute concerning the interpretation or application of this Constitution shall be referred to the International Court of Justice, unless the General Council or the parties to such dispute agree to another mode of settlement.

ARTICLE 18

ENTRY INTO FORCE

1. (a) States may become parties to this Constitution by:

- (i) signature without reservation as to approval;
- (ii) signature subject to approval followed by acceptance;
- (iii) acceptance.

(b) acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

2. This Constitution shall come into force when at least fifteen States, whose required contributions to Part I of the operational budget as set forth in Annex II of this Constitution amount to not less than seventy-five per cent of the total thereof, have become parties to it.

3. In accordance with Article 102 of the Charter of the United Nations, the Secretary-General of the United Nations will register this Constitution, when it has been signed, without reservation as to approval, on behalf of one State or upon deposit of the first instrument of acceptance.

4. The Secretary-General of the United Nations will inform States parties to this Constitution, of the date when it has come into force; he will also inform them of the dates when other States have become parties to this Constitution.

In FAITH WHEREOF the undersigned, duly authorized for that purpose, have signed this Constitution.

DONE at Flushing Meadow, New York, this fifteenth day of December, one thousand nine hundred and forty-six, in a single copy in the Chinese, English, French, Russian and Spanish languages. The original texts shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations will send certified copies of the texts to each of the signatory Governments and, upon the coming into force of the Constitution and the election of a Director-General, to the Director-General of the Organization.

(Here follow the names of the Plenipotentiaries for Canada (subject to approval), the Dominican Republic (subject to its ratification by the Congress of the Dominican Republic), France (subject to approval), Guatemala (*ad referendum*), Honduras (*ad referendum*), Liberia (subject to ratification), the Philippine Republic (subject to approval), the United States of America (subject to approval).)

ARTICLE 17

INTERPRETATION

1. Les textes anglais, chinois, espagnol, français et russe de la présente Constitution sont considérés comme également authentiques.

2. Sous réserve des dispositions de l'Article 96 de la Charte des Nations Unies et du Chapitre II du Statut de la Cour internationale de Justice, toute question ou tout différend concernant l'interprétation ou l'application de la présente Constitution sera soumis à la Cour internationale de Justice, à moins que le Conseil général et les parties au différend ne se mettent d'accord sur un autre mode de règlement.

ARTICLE 18
ENTREE EN VIGUEUR

1. a) Les Etats pourront devenir parties à cette Constitution par:

- (i) la signature sans réserve d'approbation;
- (ii) la signature sous réserve d'approbation, suivie de l'acceptation;
- (iii) l'acceptation.

b) l'acceptation sera acquise par le dépôt d'un instrument officiel auprès du Secrétaire général des Nations Unies.

2. La présente Constitution entrera en vigueur lorsqu'elle aura reçu l'adhésion d'au moins quinze Etats dont les contributions à la Partie I du budget d'exécution, telles qu'elles sont définies à l'Annexe II de la présente Constitution, ne seront pas inférieures à soixante-quinze pour cent de la totalité des contributions à ladite Partie I.

3. Conformément à l'Article 102 de la Charte des Nations Unies, le Secrétaire général des Nations Unies enregistrera cette Constitution lorsqu'elle aura été signée sans réserve d'approbation par un Etat, ou au moment du dépôt du premier instrument d'acceptation.

4. Le Secrétaire général des Nations Unies informera les Etats parties à cette Constitution de la date de son entrée en vigueur. Il les informera également des dates auxquelles d'autres Etats deviendront parties à cette Constitution.

En FOI DE QUOI, les représentants soussignés, dûment autorisés à cet effet, ont signé la présente Constitution.

FAIT à Flushing Meadow, New-York, le quinze décembre mil neuf cent quarante-six, en un seul exemplaire, établi en langues anglaise, chinoise, espagnole, française et russe. Les textes originaux seront déposés aux archives des Nations Unies. Le Secrétaire général des Nations Unies en remettra une copie certifiée conforme à chacun des Gouvernements signataires et, au moment de l'entrée en vigueur de la Constitution et de l'élection d'un Directeur général, au Directeur général de l'Organisation.

(Suivent les noms des Plénipotentiaires pour le Canada (sous réserve d'approbation), la République Dominicaine (sous réserve de sa ratification par le Congrès de la République Dominicaine), la France (sous réserve d'approbation), le Guatemala (*ad referendum*), le Honduras (*ad referendum*), le Libéria (sous réserve de ratification), la République des Philippines (sous réserve d'approbation), les Etats-Unis d'Amérique (sous réserve d'approbation).

ANNEX I
DEFINITIONS
GENERAL PRINCIPLES

1. The following general principles constitute an integral part of the definitions as laid down in Parts I and II of this Annex.

(a) The main object of the Organization will be to bring about a rapid and positive solution of the problem of *bona fide* refugees and displaced persons, which shall be just and equitable to all concerned.

(b) The main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin, having regard to the principles laid down in paragraph (c) (ii) of the resolution adopted by the General Assembly of the United Nations on 12 February 1946 regarding the problem of refugees (Annex III).

(c) As laid down in the resolution adopted by the Economic and Social Council on 16 February 1946, no international assistance should be given to traitors, quislings and war criminals, and nothing should be done to prevent in any way their surrender and punishment.

(d) It should be the concern of the Organization to ensure that its assistance is not exploited in order to encourage subversive or hostile activities directed against the Government of any of the United Nations.

(e) It should be the concern of the Organization to ensure that its assistance is not exploited by persons in the case of whom it is clear that they are unwilling to return to their countries of origin because they prefer idleness to facing the hardships of helping in the reconstruction of their countries, or by persons who intend to settle in other countries for purely economic reasons, thus qualifying as emigrants.

(f) On the other hand it should equally be the concern of the Organization to ensure that no *bona fide* and deserving refugee or displaced person is deprived of such assistance as it may be in a position to offer.

(g) The Organization should endeavour to carry out its functions in such a way as to avoid disturbing friendly relations between nations. In the pursuit of this objective, the Organization should exercise special care in cases in which the re-establishment or re-settlement of refugees or displaced persons might be contemplated, either in countries contiguous to their respective countries of origin or in non-self-governing countries. The Organization should give due weight, among other factors, to any evidence of genuine apprehension and concern felt in regard to such plans, in the former case, by the country of origin of the persons involved, or, in the latter case, by the indigenous population of the non-self-governing country in question.

2. To ensure the impartial and equitable application of the above principles and of the terms of the definition which follows, some special system of semi-judicial machinery should be created, with appropriate constitution, procedure and terms of reference.

ANNEXE I

DEFINITIONS—PRINCIPES GENERAUX

1. Les principes généraux énoncés ci-après font partie intégrante des définitions contenues aux première et deuxième parties de la présente Annexe.

a) L'Organisation aura pour principal objet de trouver au problème des réfugiés et des personnes déplacées *bona fide*, une solution rapide et positive, qui soit juste et équitable pour tous les intéressés.

b) La tâche essentielle en ce qui concerne les personnes déplacées, consiste à les encourager à retourner promptement dans leur pays d'origine et à aider leur retour, par tous les moyens possibles, en tenant compte des principes exposés au paragraphe *c*) (ii) de la résolution adoptée le 12 février 1946 par l'Assemblée générale de l'Organisation des Nations Unies, concernant le problème des réfugiés (Annexe III).

c) Ainsi qu'il est stipulé dans la résolution adoptée le 17 février 1946 par le Conseil économique et social aucune assistance internationale ne devra être accordée aux traîtres, quislings et criminels de guerre, et rien ne devra empêcher qu'ils ne soient livrés et punis.

d) L'Organisation devra s'assurer que son aide n'est pas exploitée pour encourager des activités subversives ou hostiles dirigées contre le Gouvernement de l'une quelconque des Nations Unies.

e) L'Organisation devra s'assurer que son aide n'est pas exploitée par des individus qui refusent manifestement de retourner dans leur pays d'origine, parce qu'ils préfèrent l'oisiveté aux rigueurs qu'ils auraient à supporter en participant à la reconstruction de leur pays, ou par des individus qui veulent se fixer dans d'autres pays pour des raisons purement économiques, et rentrent ainsi dans la catégorie des émigrants.

f) D'autre part, l'Organisation devra s'assurer qu'aucun réfugié ou personne déplacée *bona fide* et méritant ne soit privé de l'assistance qu'elle pourra être en mesure de lui offrir.

g) L'Organisation s'efforcera de remplir ses fonctions de manière à éviter de troubler les relations amicales entre nations. En cherchant à atteindre ce but, l'Organisation exercera une vigilance particulière dans les cas où l'on peut envisager le réétablissement ou la réinstallation de réfugiés ou de personnes déplacées soit dans des pays limitrophes de leurs pays d'origine, soit dans un territoire non autonome quelconque. L'Organisation tiendra dûment compte, entre autres éléments, de tout facteur qui pourrait révéler quelque crainte ou inquiétude légitime de la part soit du pays d'origine des personnes intéressées dans le premier cas, soit des populations autochtones dans le cas des territoires non autonomes.

2. Afin d'assurer l'application impartiale et équitable des principes ci-dessus, ainsi que des définitions ci-après, il conviendra d'instituer un organisme spécial de nature semi-judiciaire, qui recevra une constitution, une procédure et un mandat appropriés.

PART I

Refugees and displaced persons within the meaning of the resolution adopted by the Economic and Social Council of the United Nations on 16 February 1946.

SECTION A—DEFINITION OF REFUGEES

1. Subject to the provisions of sections C and D and of Part II of this Annex, the term “refugee” applies to a person who has left, or who is outside of, his country of nationality or of former habitual residence, and who, whether or not he had retained his nationality, belongs to one of the following categories:

(a) victims of the nazi or fascist regimes or of regimes which took part on their side in the second world war, or of the quisling or similar regimes which assisted them against the United Nations, whether enjoying international status as refugees or not;

(b) Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not;

(c) persons who were considered refugees before the outbreak of the second world war, for reasons of race, religion, nationality or political opinion.

2. Subject to the provisions of sections C and D and of Part II of this Annex regarding the exclusion of certain categories of persons, including war criminals, quislings and traitors, from the benefits of the Organization, the term “refugee” also applies to a person, other than a displaced person as defined in section B of this Annex, who is outside of his country of nationality or former habitual residence, and who, as a result of events subsequent to the outbreak of the second world war, is unable or unwilling to avail himself of the protection of the Government of his country of nationality or former nationality.

3. Subject to the provisions of section D and of Part II of this Annex, the term “refugee” also applies to persons who, having resided in Germany or Austria, and being of Jewish origin or foreigners or stateless persons, were victims of nazi persecution and were detained in, or were obliged to flee from, and were subsequently returned to, one of those countries as a result of enemy action, or of war circumstances, and have not yet been firmly resettled therein.

4. The term “refugee” also applies to unaccompanied children who are war orphans or whose parents have disappeared, and who are outside their countries of origin. Such children, 16 years of age or under, shall be given all possible priority assistance, including, normally, assistance in repatriation in the case of those whose nationality can be determined.

SECTION B—DEFINITION OF DISPLACED PERSONS

The term “displaced person” applies to a person who, as a result of the actions of the authorities of the regimes mentioned in Part I, section A, paragraph 1 (a) of this Annex has been deported from, or has been obliged to leave his country of nationality or of former habitual residence, such as persons who were compelled to undertake forced labour or who were deported for racial, religious or political reasons. Displaced persons will only fall within the mandate of the Organization subject to the provisions of sections C and D of Part I and

PREMIERE PARTIE

Réfugiés et personnes déplacées au sens de la résolution adoptée le 16 février 1946 par le Conseil économique et social de l'Organisation des Nations Unies.

SECTION A—DÉFINITIONS DU TERME “RÉFUGIÉ”

1. Sous réserve des dispositions des sections C et D et de celles de la deuxième partie ci-après, le terme “réfugié” s’applique à toute personne qui a quitté le pays dont elle a la nationalité, ou dans lequel elle avait auparavant sa résidence habituelle, ou qui se trouve en dehors de ce pays et, qu’elle ait ou non conservé sa nationalité, qui appartient à l’une des catégories suivantes:

- a) Victimes des régimes nazi et fasciste, ou de régimes ayant pris part, aux côtés de ceux-ci, à la deuxième guerre mondiale, ou encore de régimes quislings ou analogues, qui ont aidé ces régimes dans leur lutte contre les Nations Unies, que ces personnes jouissent ou non d’un statut international de réfugié;

- b) Républicains espagnols et autres victimes du régime phalangiste d’Espagne, jouissant ou non d’un statut international de réfugié;

- c) Personnes considérées comme “réfugiés” avant le commencement de la deuxième guerre mondiale, pour des raisons de race, de religion, de nationalité ou d’opinion politique.

2. Sous réserve des dispositions des sections C et D et de celles de la deuxième partie de la présente Annexe concernant l’exclusion de la compétence de l’Organisation des criminels de guerre, des quislings et des traîtres, le terme “réfugié” s’applique aussi à toute personne, autre qu’une personne déplacée (telle qu’elle est définie à la section B de la présente Annexe), qui se trouve en dehors du pays dont elle a la nationalité ou dans lequel elle avait auparavant sa résidence habituelle, et qui, par suite d’événements survenus après le début de la deuxième guerre mondiale, ne peut ou ne veut pas se réclamer de la protection du Gouvernement du pays dont elle a ou avait auparavant la nationalité.

3. Sous réserve des dispositions de la section D et de celles de la deuxième partie de la présente Annexe, le terme “réfugié” s’applique aussi aux personnes qui, ayant résidé en Allemagne ou en Autriche, et étant d’origine israélite, ou étrangères ou apatrides, ont été victimes des persécutions nazies et ont été retenues de force dans l’un de ces pays ou, obligées de s’enfuir, y ont été ramenées ultérieurement du fait de l’ennemi ou de circonstances créées par la guerre, et qui n’y sont pas encore réinstallées de façon stable.

4. Le terme “réfugié” s’applique aussi aux enfants non accompagnés qui sont orphelins de guerre ou dont les parents ont disparu, et qui se trouvent en dehors de leurs pays d’origine. Ces enfants, s’ils sont âgés de 16 ans ou de moins de 16 ans, recevront par priorité toute l’aide possible, y compris, en règle générale, l’aide au rapatriement qui sera accordée à ceux dont la nationalité peut être déterminée.

SECTION B—DÉFINITION DU TERME “PERSONNE DÉPLACÉE”

Le terme “personne déplacée” s’applique à toute personne, qui, par suite de l’action des autorités des régimes mentionnés au paragraphe 1 a) de la section A de la première partie de la présente Annexe, a été déportée du pays dont elle a la nationalité, ou dans lequel elle avait auparavant sa résidence habituelle, ou qui a été obligée de quitter ce pays, telles que les personnes qui ont été contraintes au travail obligatoire et qui ont été déportées de fait de leur race, de leur religion ou de leurs opinions politiques. Les personnes déplacées ne tomberont sous la compétence de l’Organisation que sous réserve des dispositions des sections C et D de la première partie et de celles de la deuxième partie de la présente Annexe.

to the provisions of Part II of this Annex. If the reasons for their displacement have ceased to exist, they should be repatriated as soon as possible in accordance with article 2, paragraph 1 (a) of this Constitution, and subject to the provision of paragraph (c), sub-paragraphs (ii) and (iii) of the General Assembly resolution of 12 February 1946 regarding the problem of refugees (Annex III).

SECTION C—CONDITIONS UNDER WHICH “REFUGEES” AND “DISPLACED PERSONS” WILL BECOME THE CONCERN OF THE ORGANIZATION

1. In the case of all the above categories except those mentioned in section A, paragraphs 1 (b) and 3 of this Annex, persons will become the concern of the Organization in the sense of the resolution adopted by the Economic and Social Council on 16 February 1946 if they can be repatriated, and the help of the Organization is required in order to provide for their repatriation, or if they have definitely, in complete freedom and after receiving full knowledge of the facts, including adequate information from the Governments of their countries of nationality or former habitual residence, expressed valid objections to returning to those countries.

(a) The following shall be considered as valid objections:

(i) persecution, or fear, based on reasonable grounds of persecution because of race, religion, nationality or political opinions, provided these opinions are not in conflict with the principles of the United Nations, as laid down in the Preamble of the Charter of the United Nations;

(ii) objections of a political nature judged by the Organization to be “valid”, as contemplated in paragraph 8 (a)¹ of the report of the Third Committee of the General Assembly as adopted by the Assembly on 12 February 1946.

(iii) in the case of persons falling within the category mentioned in section A, paragraphs 1 (a) and 1 (c) compelling family reasons arising out of previous persecution, or, compelling reasons of infirmity or illness.

(b) The following shall normally be considered “adequate information”: information regarding conditions in the countries of nationality of the refugees and displaced persons concerned, communicated to them directly by representatives of the Governments of these countries, who shall be given every facility for visiting camps and assembly centres of refugees and displaced persons in order to place such information before them.

2. In the case of all refugees falling within the terms of Section A paragraph 1 (b) of this Annex, persons will become the concern of the Organization in the sense of the resolution adopted by the Economic and Social Council of the United Nations on 16 February 1946, so long as the Falangist regime in Spain continues. Should that regime be replaced by a democratic regime they will have to produce valid objections against returning to Spain corresponding to those indicated in paragraph 1 (a) of this section.

¹Paragraph 8 (a)

“In answering the representative of Belgium, the Chairman stated that it was implied that the international body would judge what were, or what were not, ‘valid objections’; and that such objections clearly might be of a political nature.”

Si les raisons qui ont motivé leur déplacement ont cessé d'exister, ces personnes devront être rapatriées aussitôt que possible, conformément à l'article 2, paragraphe 1 a) de la présente Constitution, et sous réserve des dispositions des alinéas (ii) et (iii) du paragraphe c) de la résolution de l'Assemblée générale, en date du 12 février 1946, concernant le problème des réfugiés (Annexe III).

**SECTION C—CONDITIONS DANS LESQUELLES LES “RÉFUGIÉS” OU
“PERSONNES DÉPLACÉES” TOMBERONT SOUS LA COMPÉTENCE
DE L’ORGANISATION**

1. Pour toutes les catégories énoncées ci-dessus, à l'exception de celles qui sont mentionnées aux alinéas 1 b) et 3 de la section A de la présente Annexe, les personnes dont il s'agit tomberont sous la compétence de l'Organisation, au sens de la résolution adoptée par le Conseil économique et social le 16 février 1946, si elle peuvent être rapatriées et si l'aide de l'Organisation est nécessaire pour assurer leur rapatriement ou si, en toute liberté, et après avoir eu pleinement connaissance de la situation et des renseignements fournis par le Gouvernement du pays dont elles ont la nationalité ou dans lequel elles avaient antérieurement leur résidence habituelle, elles ont finalement et définitivement fait valoir des raisons satisfaisantes pour ne pas y retourner.

a) Seront considérées comme raisons satisfaisantes:

- (i) la persécution ou la crainte fondée de persécutions du fait de la race, de la religion, de la nationalité ou des opinions politiques, à conditions que ces opinions ne soient pas en conflit avec les principes de l'Organisation des Nations Unies, énoncés au Préambule de la Charte des Nations Unies;
- (ii) les objections de nature politique jugées “satisfaisantes” par l'Organisation, ainsi qu'il est prévu au paragraphe 8 a)¹) du rapport de la Troisième Commission de l'Assemblée générale, adopté par l'Assemblée le 12 février 1946;
- (iii) dans le cas des personnes rentrant dans les catégories mentionnées aux alinéas 1 a) et 1 c) de la section A, des raisons de famille impérieuses tirant leur origine de persécutions antérieures, ou des raisons impérieuses de débilité ou de maladie.

b) Seront normalement considérés comme “renseignements suffisants”:

les renseignements sur les conditions régnant dans les pays auxquels appartiennent les réfugiés ou les personnes déplacées en question, fournis directement à ces réfugiés ou personnes déplacées par les représentants des Gouvernements de ces pays; on mettra à la disposition de ces derniers tous les moyens qui leur permettent de visiter les camps et centres de rassemblement des réfugiés et personnes déplacées afin de pouvoir leur communiquer les renseignements en question.

2. Dans le cas de tous les réfugiés visés par les dispositions de l'alinéa 1 b) de la section A de la présente Annexe, les personnes intéressées relèveront de la compétence de l'Organisation, au sens de la résolution adoptée le 16 février 1946 par le Conseil économique et social de l'Organisation des Nations Unies, tant que le régime phalangiste d'Espagne continuera d'exister. Au cas où ce régime serait remplacé par un régime démocratique, elles devront alors fournir, pour justifier leur refus de retourner en Espagne, des raisons satisfaisantes correspondantes à celles qui sont mentionnées au paragraphe 1 a) de la présente section.

¹ Paragraphe 8 a):

“En répondant au représentant de la Belgique, le Président a déclaré qu'il était sous-entendu que l'organisation internationale déciderait si les objections étaient ou n'étaient pas “satisfaisantes” et qu'il était clair que de telles objections pourraient être de nature politique.”

**SECTION D—CIRCUMSTANCES IN WHICH REFUGEES AND DISPLACED PERSONS
WILL CEASE TO BE THE CONCERN OF THE ORGANIZATION**

Refugees or displaced persons will cease to be the concern of the Organization:

- (a) when they have returned to the countries of their nationality in United Nations territory, unless their former habitual residence to which they wish to return is outside their country of nationality; or
- (b) when they have acquired a new nationality; or
- (c) when they have, in the determination of the Organization become otherwise firmly established; or
- (d) when they have unreasonably refused to accept the proposals of the Organization for their re-settlement or repatriation; or
- (e) when they are making no substantial effort towards earning their living when it is possible for them to do so, or when they are exploiting the assistance of the Organization.

PART II

Persons who will not be the concern of the Organization.

1. War criminals, quislings and traitors.
2. Any other persons who can be shown:
 - (a) to have assisted the enemy in persecuting civil populations of countries, Members of the United Nations; or
 - (b) to have voluntarily assisted the enemy forces since the outbreak of the second world war in their operations against the United Nations.¹
3. Ordinary criminals who are extraditable by treaty.
4. Persons of German ethnic origin, whether German nationals or members of German minorities in other countries, who:
 - (a) have been or may be transferred to Germany from other countries;
 - (b) have been, during the second world war, evacuated from Germany to other countries;
 - (c) have fled from, or into, Germany, or from their places of residence into countries other than Germany in order to avoid falling into the hands of Allied armies.
5. Persons who are in receipt of financial support and protection from their country of nationality, unless their country of nationality requests international assistance for them.
6. Persons who, since the end of hostilities in the second world war:
 - (a) have participated in any organization having as one of its purposes the overthrow by armed force of the Government of their country of origin, being a Member of the United Nations; or the overthrow by armed force of the Government of any other Member of the United Nations, or have participated in any terrorist organization;
 - (b) have become leaders of movements hostile to the Government of their country of origin being a Member of the United Nations or sponsors of movements encouraging refugees not to return to their country of origin;
 - (c) at the time of application for assistance, are in the military or civil service of a foreign State.

¹ Mere continuance of normal and peaceful duties, not performed with the specific purpose of aiding the enemy against the Allies or against the civil population of territory in enemy occupation, shall not be considered to constitute "voluntary assistance." Nor shall acts of general humanity, such as care of wounded or dying, be so considered except in cases where help of this nature given to enemy nationals could equally well have been given to Allied nationals and was purposely withheld from them.

**SECTION D—CONDITIONS DANS LESQUELLES LES RÉFUGIÉS ET PERSONNES
DÉPLACÉES CESSERONT DE RELEVER DE LA COMPÉTENCE DE L'ORGANISATION**

Cesseront de relever de la compétence de l'Organisation, les réfugiés et personnes déplacées:

- a) qui seront retournés dans le pays dont ils ont la nationalité sur le territoire de l'une des Nations Unies, à moins que le lieu de leur ancienne résidence où ils désirent retourner ne se trouve en dehors de ce pays; ou
- b) qui auront acquis une nouvelle nationalité; ou
- c) qui se seront, au jugement de l'Organisation, établis d'une autre façon de manière stable; ou
- d) qui auront, sans raison valable, refusé d'accepter les propositions de l'Organisation pour leur réinstallation ou leur rapatriement; ou
- e) qui ne feront aucun effort sérieux pour gagner leur vie, tout en ayant la possibilité de le faire, ou profiteront indûment de l'aide fournie par l'Organisation.

DEUXIEME PARTIE

Personnes qui ne relèveront pas de la compétence de l'organisation.

1. Les criminels de guerre, quislings et traîtres.
2. Toutes autres personnes dont on peut prouver:
 - a) qu'elles ont aidé l'ennemi à persécuter les populations civiles de pays qui sont Membres de l'Organisation des Nations Unies; ou
 - b) qu'elles ont depuis le début de la deuxième guerre mondiale, volontairement aidé les forces ennemis dans leurs opérations contre les Nations Unies.¹
3. Les criminels de droit commun tombant sous le coup des dispositions des traités d'extradition.
4. Les personnes d'origine allemande du point de vue ethnique (qu'il s'agisse de ressortissants allemands ou de personnes appartenant aux minorités allemandes dans d'autres pays) qui:
 - a) venant d'autres pays, ont été ou peuvent être transférées en Allemagne;
 - b) ont été évacuées d'Allemagne vers d'autres pays au cours de la deuxième guerre mondiale;
 - c) se sont enfuies d'Allemagne ou y sont revenues en fugitifs, ou qui ont quitté les lieux où elles résidaient pour s'enfuir dans des pays autres que l'Allemagne, afin d'éviter de tomber aux mains des armées alliées.
5. Les personnes qui bénéficient d'une aide financière et de la protection du pays dont elles ont la nationalité, à moins que ce pays ne demande l'assistance internationale à leur profit.
6. Les personnes qui, depuis la cessation des hostilités de la deuxième guerre mondiale:
 - a) ont fait partie d'une organisation quelconque dont l'un des buts était de renverser, par la force des armes, le Gouvernement de leur pays d'origine, si ce pays est Membre de l'Organisation des Nations Unies, ou le Gouvernement d'un autre Membre de l'Organisation des Nations Unies, ou qui ont fait partie d'une organisation terroriste quelconque;
 - b) ont été à la tête de mouvements hostiles au Gouvernement de leur pays d'origine, si ce pays est Membre de l'Organisation des Nations Unies, ou ont dirigé des mouvements qui recommandaient aux réfugiés de ne pas retourner dans leur pays d'origine;
 - c) appartiennent, au moment où elles sollicitent l'aide de l'organisation, aux forces armées ou aux cadres civils d'un pays étranger.

¹ Le fait d'avoir simplement continué à remplir des fonctions normales et pacifiques, sans intention déterminée d'aider l'ennemi contre les Alliés ou contre les populations civiles des territoires occupés par l'ennemi, ne sera pas considéré comme constituant une "aide volontaire". Cette disposition s'appliquera également aux actes de caractère humanitaire, tels que l'assistance aux blessés et mourants, sauf dans les cas où une assistance de cette nature donnée à des nationaux d'un pays ennemi, aura été refusée à des nationaux alliés auxquels elle aurait pu être donnée.

ANNEX II

BUDGET AND CONTRIBUTIONS FOR THE FIRST
FINANCIAL YEAR

1. The provisional budget for the first financial year shall be the sum of 4,800,000 United States dollars for administrative expenses, and a sum of 151,060,500 United States dollars for operational expenses (except for large-scale re-settlement expenses), and a sum of 5,000,000 United States dollars for large-scale re-settlement expenses. Any unspent balance under these headings shall be carried over to the corresponding heading as a credit in the budget of the next financial year.

2. These sums, (except for large-scale re-settlement expenses), shall be contributed by the members in the following proportions:

A—FOR ADMINISTRATIVE EXPENSES

<i>Country</i>	<i>Percentage</i>	<i>Country</i>	<i>Percentage</i>
Afghanistan.....	0·05	Iraq.....	0·17
Argentina.....	1·85	Lebanon.....	0·06
Australia.....	1·97	Liberia.....	0·04
Belgium.....	1·35	Luxembourg.....	0·05
Bolivia.....	0·08	Mexico.....	0·63
Brazil.....	1·85	Netherlands.....	1·40
Byelorussian Soviet Socialist Republic.....	0·22	New Zealand.....	0·50
Canada.....	3·20	Nicaragua.....	0·04
Chile.....	0·45	Norway.....	0·50
China.....	6·00	Panama.....	0·05
Columbia.....	0·37	Paraguay.....	0·04
Costa Rica.....	0·04	Peru.....	0·20
Cuba.....	0·29	Philippine Republic.....	0·29
Czechoslovakia.....	0·90	Poland.....	0·95
Denmark.....	0·79	Saudi Arabia.....	0·08
Dominican Republic.....	0·05	Sweden.....	2·35
Ecuador.....	0·05	Syria.....	0·12
Egypt.....	0·79	Turkey.....	0·91
El Salvador.....	0·05	Ukrainian Soviet Socialist Republic.....	0·84
Ethiopia.....	0·08	Union of South Africa.....	1·12
France.....	6·00	Union of Soviet Socialist Republics.....	6·34
Greece.....	0·17	United Kingdom.....	11·48
Guatemala.....	0·05	United States of America.....	39·89
Haiti.....	0·04	Uruguay.....	0·18
Honduras.....	0·04	Venezuela.....	0·27
Iceland.....	0·04	Yugoslavia.....	0·33
India.....	3·95		
Iran.....	0·45		
			100·00

ANNEXE II

BUDGET ET CONTRIBUTIONS POUR LE PREMIER EXERCICE FINANCIER

1. Le budget provisoire pour le premier exercice financier s'élèvera à 4,800,000 dollars des Etats-Unis en ce qui concerne le budget administratif, à 151,060,500 dollars des Etats-Unis en ce qui concerne le budget d'exécution (à l'exception des dépenses afférentes au réétablissement en grand) et à 5,000,000 de dollars des Etats-Unis pour les dépenses afférentes au réétablissement en grand. Tout solde non affecté inscrit sous ces rubriques sera reporté au crédit de la rubrique correspondante dans le budget de l'exercice financier suivant.

2. Ces sommes seront versées par les membres (à l'exception des frais de réétablissement en grand) conformément au barème ci-après.

A. DEPENSES ADMINISTRATIVES

Pays	Pour cent	Pays	Pour cent
Afghanistan.....	0.05	Irak.....	0.17
Argentine.....	1.85	Liban.....	0.06
Australie.....	1.97	Libéria.....	0.04
Belgique.....	1.35	Luxembourg.....	0.05
Bolivie.....	0.08	Mexique.....	0.63
Brésil.....	1.85	Pays-Bas.....	1.40
République socialiste soviétique de Biélorussie.....	0.22	Nouvelle-Zélande.....	0.50
Canada.....	3.20	Nicaragua.....	0.04
Chili.....	0.45	Norvège.....	0.50
Chine.....	6.00	Panama.....	0.05
Colombie.....	0.37	Paraguay.....	0.04
Costa-Rica.....	0.04	Pérou.....	0.20
Cuba.....	0.29	République des Philippines	0.29
Tchécoslovaquie.....	0.90	Pologne.....	0.95
Danemark.....	0.79	Arabie saoudite.....	0.08
République Dominicaine.....	0.05	Suède.....	2.35
Equateur.....	0.05	Syrie.....	0.12
Egypte.....	0.79	Turquie.....	0.91
Salvador.....	0.05	République socialiste soviétique d'Ukraine.....	0.84
Ethiopie.....	0.08	Union Sud-Africaine.....	1.12
France.....	6.00	Union des Républiques socialistes soviétiques	6.34
Grèce.....	0.17	Royaume-Uni.....	11.48
Guatemala.....	0.05	Etats-Unis d'Amérique.....	39.89
Haïti.....	0.04	Uruguay.....	0.18
Honduras.....	0.04	Venezuela.....	0.27
Islande.....	0.04	Yougoslavie.....	0.33
Inde.....	3.95		
Iran.....	0.45		100.00

B—FOR OPERATIONAL EXPENSES (EXCEPT FOR LARGE-SCALE
RESETTLEMENT)

<i>Country</i>	<i>Percentage</i>	<i>Country</i>	<i>Percentage</i>
Afghanistan.....	0·03	Lebanon.....	0·05
Argentina.....	1·50	Liberia.....	0·02
Australia.....	1·76	Luxembourg.....	0·04
Belgium.....	1·00	Mexico.....	0·54
Bolivia.....	0·07	Netherlands.....	0·90
Brazil.....	1·50	New Zealand.....	0·44
Byelorussian Soviet Socialist Republic.....	0·16	Nicaragua.....	0·02
Canada.....	3·50	Norway.....	0·44
Chile.....	0·39	Panama.....	0·04
China.....	2·50	Paraguay.....	0·02
Colombia.....	0·32	Peru.....	0·17
Costa Rica.....	0·02	Philippines.....	0·24
Cuba.....	0·24	Poland.....	0·61
Czechoslovakia.....	0·80	Saudi Arabia.....	0·07
Denmark.....	0·68	Sweden.....	2·20
Dominican Republic.....	0·04	Syria.....	0·10
Ecuador.....	0·04	Turkey.....	0·88
Egypt.....	0·68	Ukrainian Soviet Socialist Republic.....	0·62
El Salvador.....	0·03	Union of South Africa.....	1·00
Ethiopia.....	0·07	Union of Soviet Socialist Republics.....	4·69
France.....	4·10	United Kingdom.....	14·75
Greece.....	0·15	United States of America.....	45·75
Guatemala.....	0·04	Uruguay.....	0·15
Haiti.....	0·02	Venezuela.....	0·23
Honduras.....	0·02	Yugoslavia.....	0·23
Iceland.....	0·02	New Members.....	1·92
India.....	3·66		
Iran.....	0·39		
Iraq.....	0·15		
			100·00

3. Contributions to large-scale re-settlement expenses shall be governed by the provisions of article 10, paragraph 4 of this Constitution.

ANNEX III

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON 12 FEBRUARY 1946

(document A/45)

THE GENERAL ASSEMBLY,

RECOGNIZING that the problem of refugees and displaced persons of all categories is one of immediate urgency and recognizing the necessity of clearly distinguishing between genuine refugees and displaced persons on the one hand, and the war criminals, quislings and traitors referred to in paragraph (d) below, on the other:

(a) DECIDES to refer this problem to the Economic and Social Council for thorough examination in all its aspects under item 10 of the agenda for the first session of the Council and for report to the second part of the first session of the General Assembly;

**B. DEPENSES D'EXECUTION (A L'EXCEPTION DES DEPENSES AFFERENTES
AU REESTABLISSEMENT EN GRAND)**

<i>Pays</i>	<i>Pour cent</i>	<i>Pays</i>	<i>Pour cent</i>
Afghanistan.....	0·03	Liban.....	0·05
Argentine.....	1·50	Libéria.....	0·02
Australie.....	1·76	Luxembourg.....	0·04
Belgique.....	1·00	Mexique.....	0·54
Bolivie.....	0·07	Pays-Bas.....	0·90
Brésil.....	1·50	Nouvelle-Zélande.....	0·44
République socialiste soviétique de Biélorussie.....	0·16	Nicaragua.....	0·02
Canada.....	3·50	Norvège.....	0·44
Chili.....	0·39	Panama.....	0·04
Chine.....	2·50	Paraguay.....	0·02
Colombie.....	0·32	Pérou.....	0·17
Costa-Rica.....	0·02	République des Philippines.....	0·24
Cuba.....	0·24	Pologne.....	0·61
Tchécoslovaquie.....	0·80	Arabie saoudite.....	0·07
Danemark.....	0·68	Suède.....	2·20
République Dominicaine.....	0·04	Syrie.....	0·10
Equateur.....	0·04	Turquie.....	0·88
Egypte.....	0·68	République socialiste soviétique d'Ukraine.....	0·62
Salvador.....	0·03	Union Sud-Africaine.....	1·00
Ethiopie.....	0·07	Union des Républiques socialistes soviétiques.....	4·69
France.....	4·10	Royaume-Uni.....	14·75
Grèce.....	0·15	Etats-Unis d'Amérique.....	45·75
Guatemala.....	0·04	Uruguay.....	0·15
Haïti.....	0·02	Venezuela.....	0·23
Honduras.....	0·02	Yougoslavie.....	0·23
Islande.....	0·02	Nouveaux membres.....	1·92
Inde.....	3·66		
Iran.....	0·39		
Irak.....	0·15		
			100·00

3. Les contributions destinées à couvrir les frais du réétablissement en grand seront régies par les dispositions du paragraphe 4 de l'article 10 de la présente Constitution.

ANNEXE III

**RESOLUTION ADOPEE PAR L'ASSEMBLEE GENERALE LE
12 FEVRIER 1946**

(document A/45)

L'ASSEMBLÉE GÉNÉRALE,

RECONNAISSANT que le problème des réfugiés et des personnes déplacées de toutes catégories revêt un caractère d'extrême urgence et reconnaissant la nécessité de faire une distinction nette entre les réfugiés authentiques et les personnes déplacées d'une part, et les criminels de guerre, les quislings et les traîtres dont il est question au paragraphe d) ci-dessous, d'autre part:

a) DECIDE de renvoyer ce problème au Conseil économique et social pour qu'il l'examine à fond, sous tous ses aspects, dans le cadre de la question 10 de l'ordre du jour de sa première session et fasse rapport à la deuxième partie de la première session de l'Assemblée générale;

(b) RECOMMENDS to the Economic and Social Council that it establish a special committee for the purpose of carrying out promptly the examination and preparation of the report referred to in paragraph (a); and

(c) RECOMMENDS to the Economic and Social Council that it take into consideration in this matter the following principles:

(i) this problem is international in scope and nature;

(ii) no refugees or displaced persons who have finally and definitely, in complete freedom and after receiving full knowledge of the facts, including adequate information from the Governments of their countries of origin, expressed valid objections to returning to their countries of origin and who do not come within the provisions of paragraph (d) below, shall be compelled to return to their country of origin. The future of such refugees or displaced persons shall become the concern of whatever international body may be recognized or established as a result of the report referred to in paragraphs (a) and (b) above, except in cases where the Government of the country where they are established has made an arrangement with this body to assume the complete cost of their maintenance and the responsibility for their protection;

(iii) the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin. Such assistance may take the form of promoting the conclusion of bilateral arrangements for mutual assistance in the repatriation of such persons, having regard to the principles laid down in paragraph (c) (ii) above;

(d) CONSIDERS that no action taken as a result of this resolution shall be of such a character as to interfere in any way with the surrender and punishment of war criminals, quislings and traitors, in conformity with present or future international arrangements or agreements;

(e) CONSIDERS that Germans being transferred to Germany from other States or who fled to other States from Allied troops, do not fall under the action of this declaration in so far as their situation may be decided by Allied forces of occupation in Germany, in agreement with the Governments of the respective countries.

b) RECOMMANDÉ au Conseil économique et social de créer un comité spécial chargé de l'examen et de l'élaboration rapide du rapport mentionné au paragraphe a);

c) RECOMMANDÉ au Conseil économique et social de tenir compte, en la matière, des principes suivants:

(i) ce problème a une portée et un caractère internationaux;

(ii) aucun réfugié ou personne déplacée qui en toute liberté, aura finalement et définitivement, et après avoir eu pleinement connaissance de la situation et des renseignements fournis par le Gouvernement de son pays d'origine, fait valoir des raisons satisfaisantes pour ne pas retourner dans son pays, pourvu qu'il ne tombe pas sous le coup des dispositions énoncées au paragraphe d), ci-dessous, ne sera contraint de retourner dans son pays d'origine. L'avenir de ces réfugiés ou de ces personnes déplacées sera du ressort de l'organisme international qui pourrait être reconnu ou créé à la suite du rapport mentionné aux paragraphes a) et b) ci-dessus, sauf si le Gouvernement du pays où ils sont établis a conclu avec cet organisme un accord aux termes duquel il accepte de subvenir à tous les frais de leur entretien et de prendre la responsabilité de leur protection;

(iii) la principale tâche envers les personnes déplacées consiste à les encourager et à les aider de toutes les manières possibles à retourner rapidement dans leur pays d'origine. Cette assistance peut revêtir la forme d'accords bilatéraux d'assistance mutuelle notamment en ce qui concerne le rapatriement de ces personnes, conformément aux principes énoncés dans le paragraphe c) (ii) ci-dessus;

d) CONSIDÈRE qu'aucune action entreprise en application de la présente résolution ne devra faire obstacle de façon quelconque à la livraison et au châtiment des criminels de guerre, des quislings et des traîtres, conformément aux conventions et accords internationaux présents ou futurs;

e) CONSIDÈRE que les Allemands qui ont été transférés en Allemagne d'autres pays ou qui se sont enfuis vers d'autres pays, devant les troupes alliées, ne tombent pas sous le coup de la présente décision dans la mesure où leur situation pourra être réglée par les forces alliées d'occupation en Allemagne, d'accord avec les Gouvernements des pays respectifs.

II**AGREEMENT ON INTERIM MEASURES TO BE TAKEN IN
RESPECT OF REFUGEES AND DISPLACED PERSONS**

THE GOVERNMENTS which have signed the Constitution of the International Refugee Organization,

having determined that they will take all measures possible to accomplish expeditiously the entry into effective operation of that Organization, and to provide for an orderly transfer to it of the functions and assets of existing organizations;

having decided that, pending the entry into force of the Constitution of the Organization, a Preparatory Commission for the International Refugee Organization should be established for the performance of certain functions and duties;

AGREE to the following measures:

1. There is hereby established a Preparatory Commission for the International Refugee Organization, which shall consist of one representative from each Government signatory to the Constitution. The Director of the Inter-governmental Committee on Refugees, the Director-General of UNRRA and the Director of the International Labour Organization, or their representatives, shall be invited to sit with the Commission in a consultative capacity.

2. The Commission shall:

(a) take all necessary and practicable measures for the purpose of bringing the Organization into effective operation as soon as possible;

(b) arrange for the convening of the General Council in its first session at the earliest practicable date following the entry into force of the Constitution of the Organization;

(c) prepare the provisional agenda for this first session as well as documents and recommendations relating thereto;

(d) suggest plans, in consultation with existing organizations and the control authorities, for the program for the first year of the Organization;

(e) prepare draft financial and staff regulations, and draft rules of procedure for the General Council and the Executive Committee.

3. The Commission may, in its discretion and after agreement with existing organizations dealing with refugees and displaced persons, take over any of the functions, activities, assets and personnel of such organizations, provided that the Commission is satisfied that this is essential in order to accomplish the orderly transfer to the International Refugee Organization of such functions or activities.

4. The Commission shall be governed by the rules of procedure of the Economic and Social Council of the United Nations so far as these are applicable.

5. The Commission shall appoint an Executive Secretary, who shall serve the Commission in that capacity and perform such duties as the Commission may determine. He shall be responsible for the appointment and direction of such staff as may be required for the work of the Commission.

6. The expenses of the Commission may be met by advances from such Governments as choose to make advance contributions, which shall be deductible from their first contributions to the Organization; and from such funds and assets as may be transferred from existing organizations to meet the cases provided for in paragraph 3 of this Agreement.

II

**ACCORD RELATIF AUX DISPOSITIONS PROVISOIRES DEVANT
ETRE PRISES A L'EGARD DES REFUGIES ET
PERSONNES DEPLACEES**

LES GOUVERNEMENTS qui ont signé la Constitution de l'Organisation internationale pour les réfugiés,

ayant décidé de prendre toutes les mesures en leur pouvoir pour que le fonctionnement effectif de l'Organisation devienne promptement une réalité, et pour assurer le transfert méthodique à cette Organisation des fonctions qu'exercent les organisations existantes, ainsi que les avoirs de celles-ci;

ayant décidé que, en attendant l'entrée en vigueur de la Constitution de l'Organisation, une Commission préparatoire de l'Organisation internationale pour les réfugiés devrait être créée pour exercer certaines fonctions et remplir certaines obligations;

CONVIENNENT des dispositions suivantes:

1. Il est créé, par les présentes, une Commission préparatoire de l'Organisation internationale pour les réfugiés, qui se composera d'un représentant de chacun des Gouvernements signataires de la Constitution. Le Directeur du Comité intergouvernemental pour les réfugiés, le Directeur général de l'UNRRA et le Directeur de l'Organisation internationale du Travail, ou leurs représentants, seront invités à assister, à titre consultatif, aux séances de la Commission.

2. La Commission devra:

a) prendre toutes les mesures nécessaires et possibles pour que l'Organisation puisse commencer à fonctionner effectivement aussitôt que possible;

b) prendre les dispositions nécessaires en vue de convoquer le Conseil général, pour sa première session, à une date aussi rapprochée que possible après l'entrée en vigueur de la Constitution de l'Organisation;

c) préparer l'ordre du jour provisoire de cette première session, ainsi que les documents et recommandations s'y rapportant;

d) préparer, de concert avec les organisations existantes et les autorités chargées du contrôle, des projets pour le programme des activités de l'Organisation pendant la première année de son existence:

e) préparer un projet de règlement financier, un projet de statut du personnel et des projets de règlement intérieur pour le Conseil général et le Comité exécutif.

3. La Commission peut, si elle le désire, et après accord avec les organisations existantes qui s'occupent des réfugiés et des personnes déplacées, prendre en charge les fonctions, les activités, les avoirs et le personnel de ces organisations, qu'elle juge nécessaires pour assurer le transfert régulier à l'Organisation de ces fonctions ou activités.

4. La Commission sera soumise au règlement intérieur du Conseil économique et social de l'Organisation des Nations Unies, dans la mesure où ce règlement est applicable.

5. La Commission nommera un Secrétaire exécutif, qui l'assistera à ce titre et remplira les fonctions que la Commission pourra déterminer. Le Secrétaire exécutif sera chargé de nommer et de diriger le personnel que le travail de la Commission pourra exiger.

6. Les dépenses de la Commission pourront être payées au moyen d'avances des Gouvernements qui accepteront de faire des avances à déduire de leurs premières contributions à l'Organisation, et au moyen des fonds et des biens qui pourront être transférés des organisations existantes, pour faire face aux cas prévus au paragraphe 3 du présent Accord.

7. The first meeting of the Commission shall be convened as soon as practicable by the Secretary-General of the United Nations.

8. The Commission shall cease to exist upon the election of the Director-General of the Organization, at which time its property, assets and records shall be transferred to the Organization.

9. This Agreement shall come into force as soon as it has been signed by the representatives of eight Governments signatories to the Constitution of the International Refugee Organization and shall remain open for signature by Members of the United Nations which sign the Constitution of the International Refugee Organization until the Commission is dissolved in accordance with paragraph 8 of this Agreement.

IN FAITH WHEREOF, the undersigned representatives, having been duly authorized for that purpose, sign this Agreement in the Chinese, English, French, Russian and Spanish languages, all five texts being equally authentic.

DONE at Flushing Meadow, New York, this fifteenth day of December, one thousand nine hundred and forty-six.

(Here follow the names of the Plenipotentiaries for Canada, the Dominican Republic, France, Guatemala, Honduras, Liberia, the Philippine Republic, the United States of America.)

7. La première réunion de la Commission sera convoquée aussitôt que possible par le Secrétaire général des Nations Unies.

8. La Commission cessera d'exister lorsque le Directeur général de l'Organisation aura été élu, et à ce moment, ses biens et avoirs et ses archives seront transférés à l'Organisation.

9. Le présent accord prendra effet aussitôt qu'il aura été signé par les représentants de huit Gouvernements signataires de la Constitution de l'Organisation internationale pour les réfugiés et restera ouvert à la signature des Membres des Nations Unies qui signeront la Constitution de l'Organisation jusqu'à ce que la Commission soit dissoute conformément aux dispositions du paragraphe 8 du présent Accord.

EN FOI DE QUOI les représentants soussignés, dûment autorisés, signent le présent accord rédigé en anglais, en chinois, en espagnol, en français et en russe, les cinq textes faisant également foi.

FAIT à Flushing Meadow, New-York, le quinze décembre, mil neuf cent quarante-six.

(Suivent les noms des Plénipotentiaires pour le Canada, la République Dominicaine, la France, le Guatémala, le Honduras, le Libéria, la République des Philippines, les Etats-Unis d'Amérique).

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(CANADA)
TREATY SERIES, 1946
No. 48

CONSTITUTION
OF THE
INTERNATIONAL LABOUR ORGANISATION

Adopted at Montreal, October 9, 1946

(This Constitution has not yet been ratified by Canada)

RECUEIL DES TRAITÉS 1946
N° 48

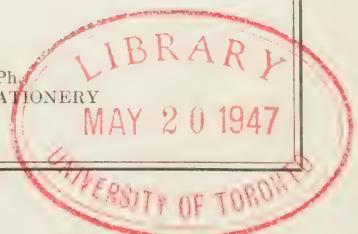
CONSTITUTION
DE
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Adoptée à Montréal le 9 octobre 1946

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OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.
KING'S PRINTER AND CONTROLLER OF STATIONERY
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INSTRUMENT FOR THE AMENDMENT OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

Adopted at Montreal, October 9, 1946

The General Conference of the International Labour Organisation,

Having been convened at Montreal by the Governing Body of the International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946; and

Having decided upon the adoption of certain amendments to the Constitution of the International Labour Organisation, a question which is included in the second item on the agenda of the Session,

Adopts, this ninth day of October of the year one thousand nine hundred and forty-six, the following instrument for the amendment of the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment, 1946:

Article 1

As from the date of the coming into force of this Instrument of Amendment, the Constitution of the International Labour Organisation, of which the text at present in force is set forth in the first column of the Annex of this Instrument,* shall have effect as amended in the second column of the said Annex.

Article 2

Two copies of this Instrument of Amendment shall be authenticated by the signatures of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. The Director-General will communicate a certified copy of the Instrument to all the Members of the International Labour Organisation.

Article 3

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.

2. This Instrument of Amendment will come into force in accordance with the provisions of Article 36 of the Constitution of the Organisation.

3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation, the Secretary-General of the United Nations, and all the States having signed the Charter of the United Nations.

* The text at present in force is not reproduced herein, but may be found in the Official Bulletin of the International Labour Office of November 15, 1946 (Vol. XXIX, No. 4).

INSTRUMENT POUR L'AMENDEMENT DE LA CONSTITUTION DE L'ORGANISATION INTERNATIONALE DU TRAVAIL

Adopté à Montréal le 9 octobre 1946

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Montréal par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie, le 19 septembre 1946, en sa vingt-neuvième session,

Après avoir décidé d'adopter certaines propositions d'amendement à la Constitution de l'Organisation internationale du Travail, question qui est comprise dans le deuxième point à l'ordre du jour de la session,

Adopte, ce neuvième jour d'octobre mil neuf cent quarante-six, l'instrument ci-après pour l'amendement à la Constitution de l'Organisation internationale du Travail, instrument qui sera dénommé Instrument d'amendement à la Constitution de l'Organisation internationale du Travail, 1946:

Article 1

A partir de la date de l'entrée en vigueur du présent instrument d'amendement, la Constitution de l'Organisation internationale du Travail, dont le texte actuellement en vigueur est reproduit dans la première colonne de l'annexe au présent instrument,* aura effet dans la forme amendée qui figure à la deuxième colonne de ladite annexe.

Article 2

Deux exemplaires authentiques du présent instrument d'amendement seront signés par le Président de la Conférence et par le Directeur général du Bureau international du Travail. L'un de ces exemplaires sera déposé aux archives du Bureau international du Travail, et l'autre entre les mains du Secrétaire général des Nations Unies aux fins d'enregistrement conformément aux termes de l'article 102 de la Charte des Nations Unies. Le Directeur général communiquera une copie certifiée conforme de cet instrument à chacun des Membres de l'Organisation internationale du Travail.

Article 3

1. Les ratifications ou acceptations formelles du présent instrument d'amendement seront communiquées au Directeur général du Bureau international du Travail, qui en informera les Membres de l'Organisation.

2. Le présent instrument d'amendement entrera en vigueur dans les conditions prévues à l'article 36 de la Constitution de l'Organisation internationale du Travail.

3. Dès l'entrée en vigueur du présent instrument, le Directeur général du Bureau international du Travail en informera tous les Membres de l'Organisation internationale du Travail, le Secrétaire général des Nations Unies et tous les Etats signataires de la Charte des Nations Unies.

* Le texte actuellement en vigueur n'apparaît pas dans les pages qui suivent. On le trouvera dans le Bulletin Officiel du Bureau International du Travail du 15 novembre, 1946 (Vol. XXIX, N° 4).

ANNEX**THE CONSTITUTION OF THE INTERNATIONAL LABOUR
ORGANISATION****PREAMBLE**

Whereas universal and lasting peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, and with a view to attaining the objectives set forth in this Preamble, agree to the following Constitution of the International Labour Organisation:

CHAPTER I—ORGANISATION*Article 1*

1. A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble to this Constitution and in the Declaration concerning the aims and purposes of the International Labour Organisation adopted at Philadelphia on 10 May 1944 the text of which is annexed to this Constitution.

2. The Members of the International Labour Organisation shall be the States which were Members of the Organisation on 1 November 1945, and such other States as may become Members in pursuance of the provisions of paragraphs 3 and 4 of this Article.

3. Any original Member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly in accordance with the provisions of the Charter may become a Member of the International Labour Organisation by communicating to the Director-General of the International Labour Office its formal acceptance of the obligations of the Constitution of the International Labour Organisation.

4. The General Conference of the International Labour Organisation may also admit Members to the Organisation by a vote concurred in by two thirds of the delegates attending the session, including two thirds of the Government delegates present and voting. Such admission shall take effect on the communication to the Director-General of the International Labour Office by the Government of the new Member of its formal acceptance of the obligations of the Constitution of the Organisation.

ANNEXE**CONSTITUTION DE L'ORGANISATION INTERNATIONALE
DU TRAVAIL****PRÉAMBULE**

Attendu qu'une paix universelle et durable ne peut être fondée que sur la base de la justice sociale;

Attendu qu'il existe des conditions de travail impliquant pour un grand nombre de personnes l'injustice, la misère et les privations, ce qui engendre un tel mécontentement que la paix et l'harmonie universelles sont mises en danger, et attendu qu'il est urgent d'améliorer ces conditions: par exemple, en ce qui concerne la réglementation des heures de travail, la fixation d'une durée maximum de la journée et de la semaine de travail, le recrutement de la main-d'œuvre, la lutte contre le chômage, la garantie d'un salaire assurant des conditions d'existence convenables, la protection des travailleurs contre les maladies générales ou professionnelles et les accidents résultant du travail, la protection des enfants, des adolescents et des femmes, les pensions de vieillesse et d'invalidité, la défense des intérêts des travailleurs occupés à l'étranger, l'affirmation du principe "à travail égal, salaire égal", l'affirmation du principe de la liberté syndicale, l'organisation de l'enseignement professionnel et technique et autres mesures analogues;

Attendu que la non-adoption par une nation quelconque d'un régime de travail réellement humain fait obstacle aux efforts des autres nations désireuses d'améliorer le sort des travailleurs dans leurs propres pays;

Les Hautes Parties Contractantes, mues par des sentiments de justice et d'humanité aussi bien que par le désir d'assurer une paix mondiale durable, et en vue d'atteindre les buts énoncés dans ce préambule, approuvent la présente Constitution de l'Organisation internationale du Travail:

CHEAPITRE PREMIER—ORGANISATION*Article 1*

1. Il est fondé une organisation permanente chargée de travailler à la réalisation du programme exposé dans le préambule de la présente Constitution et dans la Déclaration concernant les buts et objectifs de l'Organisation internationale du Travail qui a été adoptée à Philadelphie le 10 mai 1944 et dont le texte figure en annexe à la présente Constitution.

2. Les Membres de l'Organisation internationale du Travail seront les Etats qui étaient Membres de l'Organisation au 1er novembre 1945 et tous autres Etats qui deviendront Membres conformément aux dispositions des paragraphes 3 et 4 du présent article.

3. Tout Membre originaire des Nations Unies et tout Etat admis en qualité de Membre des Nations Unies par décision de l'Assemblée générale conformément aux dispositions de la Charte peut devenir Membre de l'Organisation internationale du Travail en communiquant au Directeur général du Bureau international du Travail son acceptation formelle des obligations découlant de la Constitution de l'Organisation internationale du Travail.

4. La Conférence générale de l'Organisation internationale du Travail peut également admettre des Membres dans l'Organisation à la majorité des deux tiers des délégués présents à la session, y compris les deux tiers des délégués gouvernementaux présents et votants. Cette admission deviendra effective lorsque le gouvernement du nouveau Membre aura communiqué au Directeur général du Bureau international du Travail son acceptation formelle des obligations découlant de la Constitution de l'Organisation.

5. No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any International Labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

6. In the event of any State having ceased to be a Member of the Organisation, its readmission to membership shall be governed by the provisions of paragraph 3 or paragraph 4 of this Article as the case may be.

Article 2

The permanent organisation shall consist of:

- (a) a General Conference of representatives of the Members;
- (b) a Governing Body composed as described in Article 7; and
- (c) an International Labour Office controlled by the Governing Body.

Article 3

1. The meetings of the General Conference of representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four representatives of each of the Members, of whom two shall be Government delegates and the two others shall be delegates representing respectively the employers and the workpeople of each of the Members.

2. Each delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

3. Each Member which is responsible for the international relations of non-metropolitan territories may appoint as additional advisers to each of its delegates:

- (a) persons nominated by it as representatives of any such territory in regard to matters within the self-governing powers of that territory; and
- (b) persons nominated by it to advise its delegates in regard to matters concerning non-self-governing territories.

4. In the case of a territory under the joint authority of two or more Members, persons may be nominated to advise the delegates of such Members.

5. The Members undertake to nominate non-Government delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

6. Advisers shall not speak except on a request made by the delegate whom they accompany and by the special authorisation of the President of the Conference, and may not vote.

7. A delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

5. Aucun Membre de l'Organisation internationale du Travail ne pourra s'en retirer sans avoir donné préavis de son intention au Directeur général du Bureau international du Travail. Ce préavis portera effet deux ans après la date de sa réception par le Directeur général, sous réserve que le Membre ait à cette date rempli toutes les obligations financières résultant de sa qualité de Membre. Lorsqu'un Membre aura ratifié une convention internationale du travail, ce retrait n'affectera pas la validité, pour la période prévue par la convention, des obligations résultant de la convention ou y relatives.

6. Au cas où un Etat aurait cessé d'être Membre de l'Organisation, sa ré-admission en qualité de Membre sera régie par les dispositions des paragraphes 3 ou 4 du présent article.

Article 2

L'Organisation permanente comprendra:

- a) une Conférence générale des représentants des Membres;
- b) un Conseil d'administration composé comme il est dit à l'article 7;
- c) un Bureau international du Travail sous la direction du Conseil d'administration.

Article 3

1. La Conférence générale des représentants des Membres tiendra des sessions chaque fois que besoin sera et, au moins, une fois par an. Elle sera composée de quatre représentants de chacun des Membres, dont deux seront les délégués du gouvernement et dont les deux autres représenteront respectivement, d'une part, les employeurs, d'autre part, les travailleurs ressortissant à chacun des Membres.

2. Chaque délégué pourra être accompagné par des conseillers techniques dont le nombre pourra être de deux au plus pour chacune des matières distinctes inscrites à l'ordre du jour de la session. Quand des questions intéressant spécialement des femmes doivent venir en discussion à la Conférence, une au moins parmi les personnes désignées comme conseillers techniques devra être une femme.

3. Tout Membre responsable des relations internationales de territoires non métropolitains pourra désigner comme conseillers techniques supplémentaires pour accompagner chacun de ses délégués:

- a) des personnes désignées par lui comme représentants d'un tel territoire pour certaines questions entrant dans le cadre de la compétence propre des autorités dudit territoire;
- b) des personnes désignées par lui pour assister ses délégués au sujet des questions intéressant des territoires qui ne se gouvernent pas eux-mêmes.

4. S'il s'agit d'un territoire placé sous l'autorité conjointe de deux ou plusieurs Membres, des personnes pourront être désignées pour assister les délégués de ces Membres.

5. Les Membres s'engagent à désigner les délégués et conseillers techniques non gouvernementaux d'accord avec les organisations professionnelles les plus représentatives soit des employeurs, soit des travailleurs du pays considéré, sous la réserve que de telles organisations existent.

6. Les conseillers techniques ne seront autorisés à prendre la parole que sur la demande faite par le délégué auquel ils sont adjoints et avec l'autorisation spéciale du Président de la Conférence; ils ne pourront prendre part aux votes.

7. Un délégué peut, par une note écrite adressée au Président, désigner l'un de ses conseillers techniques comme son suppléant, et ledit suppléant, en cette qualité, pourra prendre part aux délibérations et aux votes.

8. The names of the delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.

9. The credentials of delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two thirds of the votes cast by the delegates present, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with this Article.

Article 4

1. Every delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

2. If one of the Members fails to nominate one of the non-Government delegates whom it is entitled to nominate, the other non-Government delegate shall be allowed to sit and speak at the Conference, but not to vote.

3. If in accordance with Article 3 the Conference refuses admission to a delegate of one of the Members, the provisions of the present Article shall apply as if that delegate had not been nominated.

Article 5

The meetings of the Conference shall, subject to any decisions which may have been taken by the Conference itself at a previous meeting, be held at such place as may be decided by the Governing Body.

Article 6

Any change in the seat of the International Labour Office shall be decided by the Conference by a two-thirds majority of the votes cast by the delegates present.

Article 7

1. The Governing Body shall consist of thirty-two persons:

Sixteen representing Governments,

Eight representing the employers, and

Eight representing the workers.

2. Of the sixteen persons representing Governments, eight shall be appointed by the Members of chief industrial importance, and eight shall be appointed by the Members selected for that purpose by the Government delegates to the Conference, excluding the delegates of the eight Members mentioned above. Of the sixteen Members represented, six shall be non-European States.

3. The Governing Body shall as occasion requires determine which are the Members of the Organisation of chief industrial importance and shall make rules to ensure that all questions relating to the selection of the Members of chief industrial importance are considered by an impartial committee before being decided by the Governing Body. Any appeal made by a Member from the declaration of the Governing Body as to which are the Members of chief industrial importance shall be decided by the Conference, but an appeal to the Conference shall not suspend the application of the declaration until such time as the Conference decides the appeal.

8. Les noms des délégués et de leurs conseillers techniques seront communiqués au Bureau international du Travail par le gouvernement de chacun des Membres.

9. Les pouvoirs des délégués et de leurs conseillers techniques seront soumis à la vérification de la Conférence, laquelle pourra, par une majorité des deux tiers des suffrages exprimés par les délégués présents, refuser d'admettre tout délégué ou tout conseiller technique qu'elle ne jugera pas avoir été désigné conformément aux termes du présent article.

Article 4

1. Chaque délégué aura le droit de voter individuellement sur toutes les questions soumises aux délibérations de la Conférence.

2. Dans le cas où l'un des Membres n'aurait pas désigné l'un des délégués non gouvernementaux auquel il a droit, l'autre délégué non gouvernemental aura le droit de prendre part aux discussions de la Conférence, mais n'aura pas le droit de voter.

3. Au cas où la Conférence, en vertu des pouvoirs que lui confère l'article 3, refuserait d'admettre l'un des délégués d'un des Membres, les stipulations du présent article seront appliquées comme si ledit délégué n'avait pas été désigné.

Article 5

Les sessions de la Conférence se tiendront, sous réserve de toute décision qu'aurait pu prendre la Conférence elle-même au cours d'une session antérieure, au lieu fixé par le Conseil d'administration.

Article 6

Tout changement du siège du Bureau international du Travail sera décidé par la Conférence à la majorité des deux tiers des suffrages exprimés par les délégués présents.

Article 7

1. Le Conseil d'administration sera composé de trente-deux personnes:

Seize représentant les gouvernements,
Huit représentant les employeurs et
Huit représentant les travailleurs.

2. Sur les seize personnes représentant les gouvernements, huit seront nommées par les Membres dont l'importance industrielle est la plus considérable et huit seront nommées par les Membres désignés à cet effet par les délégués gouvernementaux à la Conférence, exclusion faite des délégués des huit Membres susmentionnés. Sur les seize Membres représentés, six devront être des Etats extra-européens.

3. Le Conseil d'administration déterminera, chaque fois qu'il y aura lieu, quels sont les Membres ayant l'importance industrielle la plus considérable et établira des règles en vue d'assurer l'examen, par un comité impartial, de toutes questions relatives à la désignation des Membres ayant l'importance industrielle la plus considérable avant que le Conseil d'administration ne prenne une décision à cet égard. Tout appel formé par un Membre contre la déclaration du Conseil d'administration arrêtant quels sont les Membres ayant l'importance industrielle la plus considérable sera tranché par la Conférence, mais un appel interjeté devant la Conférence ne suspendra pas l'application de la déclaration tant que la Conférence ne se sera pas prononcée.

4. The persons representing the employers and the persons representing the workers shall be elected respectively by the employers' delegates and the workers' delegates to the Conference. Two employers' representatives and two workers' representatives shall belong to non-European States.

5. The period of office of the Governing Body shall be three years. If for any reason the Governing Body elections do not take place on the expiry of this period, the Governing Body shall remain in office until such elections are held.

6. The method of filling vacancies and of appointing substitutes and other similar questions may be decided by the Governing Body subject to the approval of the Conference.

7. The Governing Body shall, from time to time, elect from its number a Chairman and two Vice-Chairmen, of whom one shall be a person representing a Government, one a person representing the employers, and one a person representing the workers.

8. The Governing Body shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least twelve of the representatives on the Governing Body.

Article 8

1. There shall be a Director-General of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

2. The Director-General or his deputy shall attend all meetings of the Governing Body.

Article 9

1. The staff of the International Labour Office shall be appointed by the Director-General under regulations approved by the Governing Body.

2. So far as is possible with due regard to the efficiency of the work of the Office, the Director-General shall select persons of different nationalities.

3. A certain number of these persons shall be women.

4. The responsibilities of the Director-General and the staff shall be exclusively international in character. In the performance of their duties, the Director-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organisation. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organisation.

5. Each Member of the Organization undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 10

1. The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international Conventions, and the conduct of such special investigations as may be ordered by the Conference or by the Governing Body.

4. Les personnes représentant les employeurs et les personnes représentant les travailleurs seront élues respectivement par les délégués des employeurs et les délégués des travailleurs à la Conférence. Deux représentants des employeurs et deux représentants des travailleurs devront appartenir à des Etats extra-européens.

5. Le Conseil sera renouvelé tous les trois ans. Si pour une raison quelconque, les élections au Conseil d'administration n'ont pas lieu à l'expiration de cette période, le Conseil d'administration restera en fonction jusqu'à ce qu'il soit procédé à ces élections.

6. La manière de pourvoir aux sièges vacants, la désignation des suppléants et les autres questions de même nature pourront être réglés par le Conseil sous réserve de l'approbation de la Conférence.

7. Le Conseil d'administration élira dans son sein un président et deux vice-présidents. Parmi ces trois personnes l'une sera une personne représentant un gouvernement, et les deux autres seront respectivement des personnes représentant les employeurs et les travailleurs.

8. Le Conseil d'administration établira son règlement et se réunira aux époques qu'il fixera lui-même. Une session spéciale devra être tenue chaque fois que douze personnes faisant partie du Conseil auront formulé une demande écrite à cet effet.

Article 8

1. Un Directeur général sera placé à la tête du Bureau international du Travail; il sera désigné par le Conseil d'administration de qui il recevra ses instructions et vis-à-vis de qui il sera responsable de la bonne marche du Bureau ainsi que de l'exécution de toutes autres tâches qui auront pu lui être confiées.

2. Le Directeur général ou son suppléant assisteront à toutes les séances du Conseil d'administration.

Article 9

1. Le personnel du Bureau international du Travail sera choisi par le Directeur général conformément aux règles approuvées par le Conseil d'administration.

2. Le choix fait par le Directeur général devra porter, dans toute la mesure compatible avec le souci d'obtenir le meilleur rendement, sur des personnes de différentes nationalités.

3. Un certain nombre de ces personnes devront être des femmes.

4. Les fonctions du Directeur général et du personnel auront un caractère exclusivement international. Dans l'accomplissement de leurs devoirs, le Directeur général et le personnel ne solliciteront ni n'accepteront d'instructions d'aucun gouvernement ni d'aucune autorité extérieure à l'Organisation. Ils s'abstiendront de tout acte incompatible avec leur situation de fonctionnaires internationaux qui ne sont responsables qu'envers l'Organisation.

5. Chaque Membre de l'Organisation s'engage à respecter le caractère exclusivement international des fonctions du Directeur général et du personnel et à ne pas chercher à les influencer dans l'exécution de leur tâche.

Article 10

1. Les fonctions du Bureau international du Travail comprendront la centralisation et la distribution de toutes informations concernant la réglementation internationale de la condition des travailleurs et du régime du travail et, en particulier, l'étude des questions qu'il est proposé de soumettre aux discussions de la Conférence en vue de la conclusion des conventions internationales, ainsi que l'exécution de toutes enquêtes spéciales prescrites par la Conférence ou par le Conseil d'administration.

2. Subject to such directions as the Governing Body may give, the Office will—

- (a) prepare the documents on the various items of the agenda for the meetings of the Conference;
- (b) accord to Governments at their request all appropriate assistance within its power in connection with the framing of laws and regulations on the basis of the decisions of the Conference and the improvement of administrative practices and systems of inspection;
- (c) carry out the duties required of it by the provisions of this Constitution in connection with the effective observance of Conventions;
- (d) edit and issue, in such languages as the Governing Body may think desirable, publications dealing with problems of industry and employment of international interest.

3. Generally, it shall have such other powers and duties as may be assigned to it by the Conference or by the Governing Body.

Article 11

The Government departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director-General through the representative of their Government on the Governing Body of the International Labour Office or, failing any such representative, through such other qualified official as the Government may nominate for the purpose.

Article 12

1. The International Labour Organisation shall co-operate within the terms of this Constitution with any general international organisation entrusted with the co-ordination of the activities of public international organisations having specialised responsibilities and with public international organisations having specialised responsibilities in related fields.

2. The International Labour Organisation may make appropriate arrangements for the representatives of public international organisations to participate without vote in its deliberations.

3. The International Labour Organisation may make suitable arrangements for such consultation as it may think desirable with recognized non-governmental international organisations, including international organisations of employers, workers, agriculturists and co-operators.

Article 13

1. The International Labour Organisation may make such financial and budgetary arrangements with the United Nations as may appear appropriate.

2. Pending the conclusion of such arrangements or if at any time no such arrangements are in force—

- (a) each of the Members will pay the travelling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the Conference or the Governing Body, as the case may be;
- (b) all other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid by the Director-General of the International Labour Office out of the general funds of the International Labour Organisation;

2. Sous réserve des directives que pourrait lui donner le Conseil d'administration, le Bureau:

- a) préparera la documentation sur les divers points à l'ordre du jour des sessions de la Conférence;
- b) fournira aux gouvernements, sur leur demande et dans la mesure de ses moyens, toute aide appropriée pour l'élaboration de la législation sur la base des décisions de la Conférence, ainsi que pour l'amélioration de la pratique administrative et des systèmes d'inspection;
- c) s'acquittera, en conformité des stipulations de la présente Constitution, des devoirs qui lui incombent en ce qui concerne l'observation effective des conventions;
- d) rédigera et fera paraître dans telles langues que le Conseil d'administration jugera appropriées des publications traitant des questions concernant l'industrie et le travail qui présentent un intérêt international.

3. D'une manière générale, il aura tous autres pouvoirs et fonctions que la Conférence ou le Conseil d'administration jugeront à propos de lui attribuer.

Article 11

Les ministères des Membres qui s'occupent des questions ouvrières pourront communiquer directement avec le Directeur général par l'intermédiaire du représentant de leur gouvernement au Conseil d'administration du Bureau international du Travail, ou, à défaut de ce représentant, par l'intermédiaire de tel autre fonctionnaire dûment qualifié et désigné à cet effet par le gouvernement intéressé.

Article 12

1. L'Organisation internationale du Travail collaborera, dans le cadre de la présente Constitution, avec toute organisation internationale générale chargée de coordonner les activités d'organisations de droit international public ayant des tâches spécialisées et avec les organisations de droit international public ayant des tâches spécialisées dans des domaines connexes.

2. L'Organisation internationale du Travail pourra prendre des dispositions appropriées pour que les représentants des organisations de droit international public participant, sans droit de vote, à ses délibérations.

3. L'Organisation internationale du Travail pourra prendre toutes dispositions utiles pour consulter, selon qu'il lui paraîtra désirable, des organisations internationales non gouvernementales reconnues, y compris des organisations internationales d'employeurs, de travailleurs, d'agriculteurs et de coopérateurs.

Article 13

1. L'Organisation internationale du Travail peut conclure avec les Nations Unies tels arrangements financiers et budgétaires qui paraîtront appropriés.

2. En attendant la conclusion de tels arrangements, ou si, à un moment quelconque, il n'en est pas qui soient en vigueur:

- a) chacun des Membres paiera les frais de voyage et de séjour de ses délégués et de leurs conseillers techniques, ainsi que de ses représentants prenant part aux sessions de la Conférence et du Conseil d'administration selon les cas;
- b) tous autres frais du Bureau international du Travail, des sessions de la Conférence ou de celles du Conseil d'administration seront payés par le Directeur général du Bureau international du Travail sur le budget général de l'Organisation internationale du Travail;

(c) the arrangements for the approval, allocation and collection of the budget of the International Labour Organisation shall be determined by the Conference by a two-thirds majority of the votes cast by the delegates present, and shall provide for the approval of the budget and of the arrangements for the allocation of expenses among the Members of the Organisation by a committee of Government representatives.

3. The expenses of the International Labour Organisation shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2 (c) of this Article.

4. A Member of the Organisation which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

5. The Director-General of the International Labour Office shall be responsible to the Governing Body for the proper expenditure of the funds of the International Labour Organisation.

CHAPTER II—PROCEDURE

Article 14

1. The agenda for all meetings of the Conference will be settled by the Governing Body, which shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation recognised for the purpose of Article 3, or by any public international organisation.

2. The Governing Body shall make rules to ensure through technical preparation and adequate consultation of the Members primarily concerned, by means of a preparatory Conference or otherwise, prior to the adoption of a Convention or Recommendation by the Conference.

Article 15

1. The Director-General shall act as the Secretary-General of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government delegates when appointed.

2. The reports on each item of the agenda shall be despatched so as to reach the Members in time to permit adequate consideration before the meeting of the Conference. The Governing Body shall make rules for the application of this provision.

Article 16

1. Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a statement addressed to the Director-General who shall circulate it to all the Members of the Organisation.

c) les dispositions relatives à l'approbation du budget de l'Organisation internationale du Travail, ainsi qu'à l'assiette et au recouvrement des contributions, seront arrêtées par la Conférence à la majorité des deux tiers des suffrages émis par les délégués présents et stipuleront que le budget et les arrangements concernant la répartition des dépenses entre les Membres de l'Organisation seront approuvés par une commission de représentants gouvernementaux.

3. Les frais de l'Organisation internationale du Travail seront à la charge des Membres, conformément aux arrangements en vigueur en vertu du paragraphe 1 ou du paragraphe 2, c) du présent article.

4. Un Membre de l'Organisation en retard dans le paiement de sa contribution aux dépenses de l'Organisation ne peut participer au vote à la Conférence, au Conseil d'administration ou à toute commission, ou aux élections de membres du Conseil d'administration, si le montant de ses arriérés est égal ou supérieur à la contribution due par lui pour les deux années complètes écoulées. La Conférence peut néanmoins par un vote à la majorité des deux tiers des suffrages émis par les délégués présents autoriser ce Membre à participer au vote si elle constate que le manquement est dû à des circonstances indépendantes de sa volonté.

5. Le Directeur général du Bureau international du Travail est responsable vis-à-vis du Conseil d'administration pour l'emploi des fonds de l'Organisation internationale du Travail.

CHAPITRE II.—FONCTIONNEMENT

Article 14

1. Le Conseil d'administration établira l'ordre du jour des sessions de la Conférence après avoir examiné toutes propositions faites par le gouvernement d'un des Membres, par toute organisation représentative visée à l'article 3, ou par toute organisation de droit international public, au sujet des matières à inscrire à cet ordre du jour.

2. Le Conseil d'administration établira des règles pour assurer une sérieuse préparation technique et une consultation appropriée des Membres principalement intéressés, par une conférence préparatoire technique ou par tout autre moyen, avant l'adoption d'une convention ou d'une recommandation par la Conférence.

Article 15

1. Le Directeur général remplira les fonctions de Secrétaire général de la Conférence, et devra faire parvenir l'ordre du jour de chaque session, quatre mois avant l'ouverture de cette session, à chacun des Membres, et, par l'intermédiaire de ceux-ci, aux délégués non gouvernementaux, lorsque ces derniers auront été désignés.

2. Les rapports sur chacun des points à l'ordre du jour seront transmis de façon à atteindre les Membres à temps pour leur permettre de procéder à un examen approprié de ces rapports avant la Conférence. Le Conseil d'administration formulera les règles faisant porter effet à cette disposition.

Article 16

1. Chacun des gouvernements des Membres aura le droit de contester l'inscription, à l'ordre du jour de la session, de l'un ou plusieurs des sujets prévus. Les motifs justifiant cette opposition devront être exposés dans un mémoire adressé au Directeur général, lequel devra le communiquer aux Membres de l'Organisation.

2. Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two thirds of the votes cast by the delegates present is in favour of considering them.

3. If the Conference decides (otherwise than under the preceding paragraph) by two thirds of the votes cast by the delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

Article 17

1. The Conference shall elect a President and three Vice-Presidents. One of the Vice-Presidents shall be a Government delegate, one an employers' delegate and one a workers' delegate. The Conference shall regulate its own procedure and may appoint committees to consider and report on any matter.

2. Except as otherwise expressly provided in this Constitution or by the terms of any Convention or other instrument conferring powers on the Conference or of the financial and budgetary arrangements adopted in virtue of Article 13, all matters shall be decided by a simple majority of the votes cast by the delegates present.

3. The voting is void unless the total number of votes cast is equal to half the number of the delegates attending the Conference.

Article 18

The Conference may add to any committees which it appoints technical experts without power to vote.

Article 19

1. When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of an international Convention, or (b) of a Recommendation to meet circumstances where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention.

2. In either case a majority of two thirds of the votes cast by the delegates present shall be necessary on the final vote for the adoption of the Convention or Recommendation, as the case may be, by the Conference.

3. In framing any Convention or Recommendation of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

4. Two copies of the Convention or Recommendation shall be authenticated by the signatures of the President of the Conference and of the Director-General. Of these copies one shall be deposited in the archives of the International Labour Office and the other with the Secretary-General of the United Nations. The Director-General will communicate a certified copy of the Convention or Recommendation to each of the Members.

2. Les sujets auxquels il aura été fait opposition resteront néanmoins inclus à l'ordre du jour si la Conférence en décide ainsi à la majorité des deux tiers des suffrages exprimés par les délégués présents.

3. Toute question au sujet de laquelle la Conférence décide, à la même majorité des deux tiers, qu'elle doit être examinée (autrement que prévu dans l'alinéa précédent) sera portée à l'ordre du jour de la session suivante.

Article 17

1. La Conférence élira un président et trois vice-présidents. Les trois vice-présidents seront respectivement un délégué gouvernemental, un délégué des employeurs et un délégué des travailleurs. La Conférence formulera les règles de son fonctionnement; elle pourra nommer des commissions chargées de présenter des rapports sur toutes questions qu'elle estimera devoir mettre à l'étude.

2. La simple majorité des suffrages exprimés par les membres présents de la Conférence décidera dans tous les cas où une majorité plus forte n'est pas spécialement prévue par d'autres articles de la présente Constitution ou par toute convention ou autre instrument conférant des pouvoirs à la Conférence ou par les arrangements financiers ou budgétaires adoptés en vertu de l'article 13.

3. Aucun vote n'est acquis si le nombre des suffrages exprimés est inférieur à la moitié du nombre des délégués présents à la session.

Article 18

La Conférence pourra adjoindre aux commissions qu'elle constitue des conseillers techniques qui n'auront pas voix délibérative.

Article 19

1. Si la Conférence se prononce pour l'adoption de propositions relatives à un objet à l'ordre du jour, elle aura à déterminer si ces propositions devront prendre la forme: a) d'une convention internationale; b) ou bien d'une recommandation, lorsque l'objet traité ou un de ses aspects ne se prête pas à l'adoption immédiate d'une convention.

2. Dans les deux cas, pour qu'une convention ou qu'une recommandation soient adoptées au vote final par la Conférence, une majorité des deux tiers des voix des délégués présents est requise.

3. En formant une convention ou une recommandation d'une application générale, la Conférence devra avoir égard aux pays dans lesquels le climat, le développement incomplet de l'organisation industrielle ou d'autres circonstances particulières rendent les conditions de l'industrie essentiellement différentes, et elle aura à suggérer telles modifications qu'elle considérerait comme pouvant être nécessaires pour répondre aux conditions propres à ces pays.

4. Deux exemplaires de la convention ou de la recommandation seront signés par le Président de la Conférence et par le Directeur général. L'un de ces exemplaires sera déposé aux archives du Bureau international du Travail et l'autre entre les mains du Secrétaire général des Nations Unies. Le Directeur général communiquera une copie certifiée conforme de la convention ou de la recommandation à chacun des Membres.

5. In the case of a Convention—

- (a) the Convention will be communicated to all Members for ratification;
- (b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;
- (c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this Article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;
- (d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention;
- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation—

- (a) the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise;
- (b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action;
- (c) the Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Recommendation before the said competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by them;

5. S'il s'agit d'une convention:

- a) la convention sera communiquée à tous les Membres en vue de sa ratification par ceux-ci;
- b) chacun des Membres s'engage à soumettre dans le délai d'un an à partir de la clôture de la session de la Conférence (ou, si par suite de circonstances exceptionnelles, il est impossible de procéder dans un délai d'un an, dès qu'il sera possible, mais jamais plus de dix-huit mois après la clôture de la session de la Conférence), la convention à l'autorité ou aux autorités dans la compétence desquelles rentre la matière, en vue de la transformer en loi ou de prendre des mesures d'un autre ordre,
- c) les Membres informeront le Directeur général du Bureau international du Travail des mesures prises, en vertu du présent article, pour soumettre la convention à l'autorité ou aux autorités compétentes, en lui communiquant tous renseignements sur l'autorité ou les autorités considérées comme compétentes et sur les décisions de celles-ci;
- d) le Membre qui aura obtenu le consentement de l'autorité ou des autorités compétentes communiquera sa ratification formelle de la convention au Directeur général et prendra telles mesures qui seront nécessaires pour rendre effectives les dispositions de ladite convention;
- e) si une convention n'obtient pas l'assentiment de l'autorité ou des autorités dans la compétence desquelles rentre la matière, le Membre ne sera soumis à aucune autre obligation, si ce n'est qu'il devra faire rapport au Directeur général du Bureau international du Travail, à des périodes appropriées, selon ce que décidera le Conseil d'administration, sur l'état de sa législation et sur sa pratique concernant la question qui fait l'objet de la convention, en précisant dans quelle mesure l'on a donné suite ou l'on se propose de donner suite à toute disposition de la convention par voie législative, par voie administrative, par voie de contrats collectifs ou par toute autre voie, et en exposant quelles difficultés empêchent ou retardent la ratification d'une telle convention.

6. S'il s'agit d'une recommandation:

- a) la recommandation sera communiquée à tous les Membres pour examen, en vue de lui faire porter effet sous forme de loi nationale ou autrement;
- b) chacun des Membres s'engage à soumettre dans le délai d'un an à partir de la clôture de la session de la Conférence (ou, si par suite de circonstances exceptionnelles, il est impossible de procéder dans le délai d'un an, dès qu'il sera possible, mais jamais plus de dix-huit mois après la clôture de la session de la Conférence), la recommandation à l'autorité ou aux autorités dans la compétence desquelles rentre la matière, en vue de la transformer en loi ou de prendre des mesures d'un autre ordre;
- c) les Membres informeront le Directeur général du Bureau international du Travail des mesures prises, en vertu du présent article, pour soumettre la recommandation à l'autorité ou aux autorités compétentes, en lui communiquant tous renseignements sur l'autorité ou les autorités considérées comme compétentes et sur les décisions de celles-ci;

(d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent States, provinces, or cantons rather than for federal action, the federal Government shall—
 - (i) make, in accordance with its Constitution and the Constitutions of the States, provinces or cantons concerned, effective arrangements for the reference of such Conventions and recommendations not later than eighteen months from the closing of the session of the Conference to the appropriate federal State, provincial or cantonal authorities for the enactment of legislation or other action;
 - (ii) arrange, subject to the concurrence of the State, provincial or cantonal Governments concerned, for periodical consultations between the federal and the State, provincial or cantonal authorities with a view to promoting within the federal State co-ordinated action to give effect to the provisions of such Conventions and Recommendations;
 - (iii) inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring such Conventions and Recommendations before the appropriate federal State, provincial or cantonal authorities regarded as appropriate and of the action taken by them;
 - (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention, by legislation, administrative action, collective agreement, or otherwise;

d) sauf l'obligation de soumettre la recommandation à l'autorité ou aux autorités compétentes, les Membres ne seront soumis à aucune autre obligation, si ce n'est qu'ils devront faire rapport au Directeur général du Bureau international du Travail, à des périodes appropriées, selon ce que décidera le Conseil d'administration, sur l'état de leur législation et sur leur pratique concernant la question qui fait l'objet de la recommandation en précisant dans quelle mesure l'on a donné suite ou l'on se propose de donner suite à toutes dispositions de la recommandation et en indiquant les modifications de ces dispositions qui semblent ou pourront sembler nécessaires pour leur permettre de l'adopter ou de l'appliquer.

7. Dans le cas où il s'agit d'un Etat fédératif, les dispositions suivantes seront appliquées:

- a) à l'égard des conventions et des recommandations pour lesquelles le gouvernement fédéral considère que, d'après son système constitutionnel, une action fédérale est appropriée, les obligations de l'Etat fédératif seront les mêmes que celles des Membres qui ne sont pas des Etats fédératifs;
- b) à l'égard des conventions et des recommandations pour lesquelles le gouvernement fédéral considère que, d'après son système constitutionnel, une action de la part des Etats constituants, des provinces ou des cantons est, sur tous les points ou sur certains points, plus appropriée qu'une action fédérale, ledit gouvernement devra:
 - (i) conclure, en conformité avec sa constitution et les constitutions des Etats constituants, des provinces ou des cantons intéressés, des arrangements effectifs pour que ces conventions ou recommandations soient au plus tard dans les dix-huit mois suivant la clôture de la session de la Conférence, soumises aux autorités appropriées fédérales, ou à celles des Etats constituants, des provinces ou des cantons en vue d'une action législative ou de toute autre action;
 - (ii) prendre des mesures, sous réserve de l'accord des gouvernements des Etats constituants, des provinces ou des cantons intéressés, pour établir des consultations périodiques, entre les autorités fédérales d'une part et les autorités des Etats constituants, des provinces ou des cantons d'autre part, en vue de développer à l'intérieur de l'Etat fédératif une action coordonnée destinée à donner effet aux dispositions de ces conventions et recommandations;
 - (iii) informer le Directeur général du Bureau international du Travail des mesures prises en vertu du présent article pour soumettre ces conventions et recommandations aux autorités appropriées fédérales, des Etats constituants, des provinces ou des cantons, en lui communiquant tous renseignements sur les autorités considérées comme autorités appropriées et sur les décisions de celles-ci;
 - (iv) au sujet de chacune de ces conventions qu'il n'aura pas ratifiées, faire rapport au Directeur général du Bureau international du Travail, à des intervalles de temps appropriés, selon ce que décidera le Conseil d'administration, sur l'état de la législation et de la pratique de la fédération et des Etats constituants, des provinces ou des cantons concernant la question qui fait l'objet de la convention, en précisant dans quelle mesure il a été donné ou l'on se propose de donner effet aux dispositions de la convention par voie législative, par voie administrative, par voie de contrats collectifs ou par toute autre voie;

(v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

8. In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation.

Article 20

Any Convention so ratified shall be communicated by the Director-General of the International Labour Office to the Secretary-General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations but shall only be binding upon the Members which ratify it.

Article 21

1. If any Convention coming before the Conference for final consideration fails to secure the support of two thirds of the votes cast by the delegates present, it shall nevertheless be within the right of any of the Members of the Organisation to agree to such Convention among themselves.

2. Any Convention so agreed to shall be communicated by the Governments concerned to the Director-General of the International Labour Office and to the Secretary-General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations.

Article 22

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request.

Article 23

1. The Director-General shall lay before the next meeting of the Conference a summary of the information and reports communicated to him by Members in pursuance of Article 19 and 22.

2. Each Member shall communicate to the representative organisations recognised for the purpose of Article 3 copies of the information and reports communicated to the Director-General in pursuance of Articles 19 and 22.

Article 24

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

(v) au sujet de chacune de ces recommandations, faire rapport au Directeur général du Bureau international du Travail, à des intervalles de temps appropriés, selon ce que décidera le Conseil d'administration, sur l'état de la législation et de la pratique de la fédération et de ses Etats constituants, de ses provinces ou de ses cantons concernant la question qui fait l'objet de la recommandation, en précisant dans quelle mesure il a été donné ou l'on se propose de donner effet aux dispositions de la recommandation et en indiquant quelles modifications de ces dispositions semblent ou pourraient sembler nécessaires pour les adopter ou les appliquer.

8. En aucun cas, l'adoption d'une convention ou d'une recommandation par la Conférence, ou la ratification d'une convention par un Membre ne devront être considérées comme affectant toute loi, toute sentence, toute coutume ou tout accord qui assurent des conditions plus favorables aux travailleurs intéressés que celles prévues par la convention ou la recommandation.

Article 20

Toute convention ainsi ratifiée sera communiquée par le Directeur général du Bureau international du Travail au Secrétaire général des Nations Unies, pour enregistrement conformément aux dispositions de l'Article 102 de la Charte des Nations Unies, mais ne liera que les Membres qui l'ont ratifiée.

Article 21

1. Tout projet qui, dans le scrutin final sur l'ensemble, ne recueillera pas la majorité des deux tiers des suffrages exprimés par les Membres présents peut faire l'objet d'une convention particulière entre ceux des Membres de l'Organisation qui en ont le désir.

2. Toute convention ainsi conclue sera communiquée par les gouvernements intéressés au Directeur général du Bureau international du Travail et au Secrétaire général des Nations Unies, pour enregistrement conformément aux dispositions de l'article 102 de la Charte des Nations Unies.

Article 22

Chacun des Membres s'engage à présenter au Bureau international du Travail un rapport annuel sur les mesures prises par lui pour mettre à exécution les conventions auxquelles il a adhéré. Ces rapports seront rédigés sous la forme indiquée par le Conseil d'administration et devront contenir les précisions demandées par ce dernier.

Article 23

1. Le Directeur général présentera à la plus prochaine session de la Conférence un résumé des informations et rapports qui lui auront été communiqués par les Membres en application des articles 19 et 22.

2. Chaque Membre communiquera aux organisations représentatives reconnues telles aux fins de l'article 3, copie des informations et rapports transmis au Directeur général en application des articles 19 et 22.

Article 24

Toute réclamation adressée au Bureau international du Travail par une organisation professionnelle des travailleurs ou des employeurs, et aux termes de laquelle l'un quelconque des Membres n'aurait pas assuré d'une manière satisfaisante l'exécution d'une convention à laquelle ledit Membre a adhéré, pourra être transmise par le Conseil d'administration au gouvernement mis en cause et ce gouvernement pourra être invité à faire sur la matière telle déclaration qu'il jugera convenable.

Article 25

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Article 26

1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any Convention which both have ratified in accordance with the foregoing Articles.

2. The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 24.

3. If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when it has made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may appoint a Commission of Enquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the Conference.

5. When any matter arising out of Articles 25 or 26 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

Article 27

The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 26, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject matter of the complaint.

Article 28

When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

Article 29

1. The Director-General of the International Labour Office shall communicate the report of the Commission of Enquiry to the Governing Body and to each of the Governments concerned in the complaint, and shall cause it to be published.

2. Each of these Governments shall within three months inform the Director-General of the International Labour Office whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the International Court of Justice.

Article 25

Si aucune déclaration n'est reçue du gouvernement mis en cause dans un délai raisonnable, ou si la déclaration reçue ne paraît pas satisfaisante au Conseil d'administration, ce dernier aura le droit de rendre publique la réclamation reçue et, le cas échéant, la réponse faite.

Article 26

1. Chacun des Membres pourra déposer une plainte au Bureau international du Travail contre un autre Membre qui, à son avis, n'assurerait pas d'une manière satisfaisante l'exécution d'une convention que l'un et l'autre auraient ratifiée en vertu des articles précédents.

2. Le Conseil d'administration peut, s'il le juge à propos, et avant de saisir une Commission d'enquête selon la procédure indiquée ci-après, se mettre en rapport avec le gouvernement mis en cause de la manière indiquée à l'article 24.

3. Si le Conseil d'administration ne juge pas nécessaire de communiquer la plainte au gouvernement mis en cause, ou si cette communication ayant été faite, aucune réponse ayant satisfait le Conseil d'administration n'a été reçue dans un délai raisonnable, le Conseil pourra former une Commission d'enquête qui aura pour mission d'étudier la question soulevée et de déposer un rapport à ce sujet.

4. La même procédure pourra être engagée par le Conseil, soit d'office, soit sur la plainte d'un délégué à la Conférence.

5. Lorsqu'une question soulevée par l'application des articles 25 ou 26 viendra devant le Conseil d'administration, le gouvernement mis en cause, s'il n'a pas déjà un représentant au sein du Conseil d'administration, aura le droit de désigner un délégué pour prendre part aux délibérations du Conseil relatives à cette affaire. La date à laquelle ces discussions doivent avoir lieu sera notifiée en temps utile au gouvernement mis en cause.

Article 27

Dans le cas où une plainte serait renvoyée, en vertu de l'article 26, devant une Commission d'enquête, chacun des Membres, qu'il soit ou non directement intéressé à la plainte, s'engage à mettre à la disposition de la Commission toute information qui se trouverait en sa possession relativement à l'objet de la plainte.

Article 28

La Commission d'enquête, après un examen approfondi de la plainte, rédigera un rapport dans lequel elle consignera ses constatations sur tous les points de fait permettant de préciser la portée de la contestation, ainsi que les recommandations qu'elle croira devoir formuler quant aux mesures à prendre pour donner satisfaction au gouvernement plaignant et quant aux délais dans lesquels ces mesures devraient être prises.

Article 29

1. Le Directeur général du Bureau international du Travail communiquera le rapport de la Commission d'enquête au Conseil d'administration et à chacun des gouvernements intéressés dans le différend, et en assurera la publication.

2. Chacun des gouvernements intéressés devra signifier au Directeur général du Bureau international du Travail, dans le délai de trois mois, s'il accepte ou non les recommandations contenues dans le rapport de la Commission et, au cas où il ne les accepte pas, s'il désire soumettre le différend à la Cour internationale de Justice.

Article 30

In the event of any Member failing to take the action required by paragraphs 5 (b), 6 (b) or 7 (b) (i) of Article 19 with regard to a Convention or Recommendation, any other Member shall be entitled to refer the matter to the Governing Body. In the event of the Governing Body finding that there has been such a failure, it shall report the matter to the Conference.

Article 31

The decision of the International Court of Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 29 shall be final.

Article 32

The International Court of Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any.

Article 33

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.

Article 34

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or with those in the decision of the International Court of Justice, as the case may be, and may request it to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Enquiry or the decision of the International Court of Justice is in favour of the defaulting Government, the Governing Body shall forthwith recommend the discontinuance of any action taken in pursuance of Article 33.

CHAPTER III—GENERAL

Article 35

1. The Members undertake that Conventions which they have ratified in accordance with the provisions of this Constitution shall be applied to the non-metropolitan territories for whose international relations they are responsible, including any trust territories for which they are the administering authority, except where the subject matter of the Convention is within the self-governing powers of the territory or the Convention is inapplicable owing to the local conditions or subject to such modifications as may be necessary to adapt the Convention to local conditions.

2. Each Member which ratifies a Convention shall as soon as possible after ratification communicate to the Director-General of the International Labour Office a declaration stating in respect of the territories other than those referred to in paragraphs 4 and 5 below the extent to which it undertakes that the provisions of the Convention shall be applied and giving such particulars as may be prescribed by the Convention.

Article 30

Dans le cas où l'un des Membres ne prendrait pas, relativement à une convention ou à une recommandation, les mesures prescrites aux paragraphes 5 b), 6 b) ou 7 b) (i) de l'article 19 tout autre Membre aura le droit d'en référer au Conseil d'administration. Au cas où le Conseil d'administration trouverait que le Membre n'a pas pris les mesures prescrites, il en fera rapport à la Conférence.

Article 31

La décision de la Cour internationale de Justice concernant une plainte ou une question qui lui aurait été soumise conformément à l'article 29 ne sera pas susceptible d'appel.

Article 32

Les conclusions ou recommandations éventuelles de la Commission d'enquête pourront être confirmées, amendées ou annulées par la Cour internationale de Justice.

Article 33

Si un Membre quelconque ne se conforme pas dans le délai prescrit aux recommandations éventuellement contenues, soit dans le rapport de la Commission d'enquête, soit dans la décision de la Cour internationale de Justice, selon le cas, le Conseil d'administration pourra recommander à la Conférence telle mesure qui lui paraîtra opportune pour assurer l'exécution de ces recommandations.

Article 34

Le gouvernement en faute peut, à tout moment, informer le Conseil d'administration qu'il a pris les mesures nécessaires pour se conformer, soit aux recommandations de la Commission d'enquête, soit à celles contenues dans la décision de la Cour internationale de Justice, et peut lui demander de bien vouloir faire constituer une Commission d'enquête chargée de vérifier ses dires. Dans ce cas, les stipulations des articles 27, 28, 29, 31 et 32 s'appliqueront, et si le rapport de la Commission d'enquête ou la décision de la Cour internationale de Justice sont favorables au gouvernement qui était en faute, le Conseil d'administration devra aussitôt recommander que les mesures prises conformément à l'article 33 soient rapportées.

CHAPITRE III—PRESCRIPTIONS GÉNÉRALES

Article 35

1. Les Membres s'engagent à appliquer les conventions qu'ils auront ratifiées, conformément aux dispositions de la présente Constitution, aux territoires non métropolitains dont ils assurent les relations internationales, y compris tous territoires sous tutelle pour lesquels ils seraient l'autorité chargée de l'administration, à moins que les questions traitées par la convention ne rentrent dans le cadre de la compétence propre des autorités du territoire, ou que la convention ne soit rendue inapplicable par les conditions locales, ou sous réserve des modifications qui seraient nécessaires pour adapter les conventions aux conditions locales.

2. Chaque Membre qui ratifie une convention doit, dans le plus bref délai possible après la ratification, communiquer au Directeur général du Bureau international du Travail une déclaration faisant connaître, en ce qui concerne, les territoires autres que ceux dont il s'agit aux paragraphes 4 et 5 ci-dessous, dans quelle mesure il s'engage à ce que les dispositions de la convention soient appliquées, et donnant tous les renseignements prescrits par ladite convention.

3. Each Member which has communicated a declaration in virtue of the preceding paragraph may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration and stating the present position in respect of such territories.

4. Where the subject matter of the Convention is within the self-governing powers of any non-metropolitan territory the Member responsible for the international relations of that territory shall bring the Convention to the notice of the Government of the territory as soon as possible with a view to the enactment of legislation or other action by such Government. Thereafter the Member, in agreement with the Government of the territory, may communicate to the Director-General of the International Labour Office a declaration accepting the obligations of the Convention on behalf of such territory.

5. A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labour Office—

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

6. Acceptance of the obligations of a Convention in virtue of paragraph 4 or paragraph 5 shall involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the Convention and the obligations under the Constitution of the Organisation which apply to ratified Conventions. A declaration of acceptance may specify such modifications of the provisions of the Convention as may be necessary to adapt the Convention to local conditions.

7. Each Member or international authority which has communicated a declaration in virtue of paragraph 4 or paragraph 5 of this Article may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration or terminating the acceptance of the obligations of the Convention on behalf of the territory concerned.

8. If the obligations of a Convention are not accepted on behalf of a territory to which paragraph 4 or paragraph 5 of this Article relates, the Member or Members or international authority concerned shall report to the Director-General of the International Labour Office the position of the law and practice of that territory in regard to the matters dealt with in the Convention and the report shall show the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and shall state the difficulties which prevent or delay the acceptance of such Convention.

Article 36

Amendments to this Constitution which are adopted by the Conference by a majority of two thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two thirds of the Members of the Organisation including five of the eight Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of Article 7 of this Constitution.

3. Chaque Membre qui aura communiqué une déclaration en vertu du paragraphe précédent pourra périodiquement communiquer, conformément aux termes de la convention, une nouvelle déclaration modifiant les termes de toute déclaration antérieure et faisant connaître la situation concernant les territoires visés au paragraphe ci-dessus.

4. Lorsque les questions traitées par la convention entrent dans le cadre de la compétence propre des autorités d'un territoire non métropolitain, le Membre responsable des relations internationales de ce territoire devra communiquer dans le plus bref délai possible la convention au gouvernement dudit territoire, afin que ce gouvernement puisse promulguer une législation ou prendre d'autres mesures. Par la suite, le Membre en accord avec le gouvernement de ce territoire, pourra communiquer au Directeur général du Bureau International du Travail une déclaration d'acceptation des obligations de la convention au nom de ce territoire.

5. Une déclaration d'acceptation des obligations d'une convention peut être communiquée au Directeur général du Bureau international du Travail:

- a) par deux ou plusieurs Membres de l'Organisation pour un territoire placé sous leur autorité conjointe;
- b) par toute autorité internationale responsable de l'administration d'un territoire en vertu des dispositions de la Charte des Nations Unies ou de toute autre disposition en vigueur, à l'égard de ce territoire.

6. L'acceptation des obligations d'une convention en vertu des paragraphes 4 et 5 devra comporter l'acceptation, au nom du territoire intéressé, des obligations découlant des termes de la convention et des obligations qui, aux termes de la Constitution de l'Organisation, s'appliquent aux conventions ratifiées. Toute déclaration d'acceptation peut spécifier les modifications aux dispositions de la convention qui seraient nécessaires pour adapter la convention aux conditions locales.

7. Chaque Membre ou autorité internationale qui aura communiqué une déclaration en vertu des paragraphes 4 ou 5 du présent article pourra périodiquement communiquer, conformément aux termes de la convention, une nouvelle déclaration modifiant les termes de toute déclaration antérieure ou dénonçant l'acceptation des obligations de toute convention au nom du territoire intéressé.

8. Si les obligations d'une convention ne sont pas acceptées au nom d'un territoire visé par les paragraphes 4 ou 5 du présent article, le Membre ou les Membres ou l'autorité internationale feront rapport au Directeur général du Bureau international du Travail sur la législation et la pratique de ce territoire à l'égard des questions traitées dans la convention, et le rapport montrera dans quelle mesure il aura été ou sera donné effet à toute disposition de la convention, par la législation, les mesures administratives, les contrats collectifs ou toutes autres mesures, et le rapport déclarera de plus les difficultés qui empêchent ou retardent l'acceptation de cette convention.

Article 36

Les amendements à la présente Constitution adoptés par la Conférence à la majorité des deux tiers des suffrages émis par les délégués présents entreront en vigueur lorsqu'ils auront été ratifiés ou acceptés par les deux tiers des Membres de l'Organisation comprenant cinq des huit Membres représentés au Conseil d'administration en qualité de Membres ayant l'importance industrielle la plus considérable, conformément aux dispositions du paragraphe 3 de l'article 7 de la présente Constitution.

Article 37

1. Any question or dispute relating to the interpretation of this Constitution or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution shall be referred for decision to the International Court of Justice.

2. Notwithstanding the provisions of paragraph 1 of this Article the Governing Body may make and submit to the Conference for approval rules providing for the appointment of a tribunal for the expeditious determination of any dispute or question relating to the interpretation of a Convention which may be referred thereto by the Governing Body or in accordance with the terms of the Convention. Any applicable judgment or advisory opinion of the International Court of Justice shall be binding upon any tribunal established in virtue of this paragraph. Any award made by such a tribunal shall be circulated to the Members of the Organisation and any observations which they may make thereon shall be brought before the Conference.

Article 38

1. The International Labour Organisation may convene such regional conferences and establish such regional agencies as may be desirable to promote the aims and purposes of the Organisation.

2. The powers, functions and procedure of regional conferences shall be governed by rules drawn up by the Governing Body and submitted to the General Conference for confirmation.

CHAPTER IV—MISCELLANEOUS PROVISIONS

Article 39

The International Labour Organisation shall possess full juridical personality and in particular the capacity—

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

Article 40

1. The International Labour Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Delegates to the Conference, members of the Governing Body and the Director-General and officials of the Office shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organisation.

3. Such privileges and immunities shall be defined in a separate agreement to be prepared by the Organisation with a view to its acceptance by the Members.

Article 37

1. Toutes questions ou difficultés relatives à l'interprétation de la présente Constitution et des conventions ultérieurement conclues par les Membres, en vertu de ladite Constitution, seront soumises à l'appréciation de la Cour internationale de Justice.

2. Nonobstant les dispositions du paragraphe 1 du présent article, le Conseil d'administration pourra formuler et soumettre à la Conférence pour approbation des règles pour l'institution d'un tribunal en vue du prompt règlement de toute question ou difficulté relatives à l'interprétation d'une convention, qui pourront être portées devant le tribunal par le Conseil d'administration ou conformément aux termes de ladite convention. Tous arrêts ou avis consultatifs de la Cour internationale de Justice lieront tout tribunal institué en vertu du présent paragraphe. Toute sentence prononcée par un tel tribunal sera communiquée aux Membres de l'Organisation et toute observation de ceux-ci sera présentée à la Conférence.

Article 38

1. L'Organisation internationale du Travail pourra convoquer telles conférences régionales et établir telles institutions régionales qui lui paraîtront utiles pour atteindre les buts et objectifs de l'Organisation.

2. Les pouvoirs, fonctions et procédure des conférences régionales seront régis par des règles formulées par le Conseil d'administration et présentées par lui à la Conférence générale pour confirmation.

CHAPITRE IV—MESURES DIVERSES*Article 39*

L'Organisation internationale du Travail doit posséder la personnalité juridique; elle a notamment, la capacité:

- a) de contracter;
- b) d'acquérir des biens meubles et immeubles, de disposer de ces biens;
- c) d'ester en justice.

Article 40

1. L'Organisation internationale du Travail jouit, sur le territoire de chacun de ses Membres, des priviléges et immunités qui lui sont nécessaires pour atteindre ses buts.

2. Les délégués à la Conférence, les membres du Conseil d'administration ainsi que le Directeur général et les fonctionnaires du Bureau jouissent également des priviléges et immunités qui leur sont nécessaires pour exercer, en toute indépendance, leurs fonctions en rapport avec l'Organisation.

3. Ces priviléges et immunités seront précisés dans un accord séparé qui sera préparé par l'Organisation en vue de son acceptation par les Etats Membres.

ANNEX

DECLARATION CONCERNING THE AIMS AND PURPOSES OF THE INTERNATIONAL LABOUR ORGANISATION

The General Conference of the International Labour Organisation, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organisation and of the principles which should inspire the policy of its Members.

I

The Conference reaffirms the fundamental principles on which the Organisation is based and, in particular, that:

- (a) labour is not a commodity;
- (b) freedom of expression and of association are essential to sustained progress;
- (c) poverty anywhere constitutes a danger to prosperity everywhere;
- (d) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

II

Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that:

- (a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;
- (b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;
- (c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the measures in the light of this fundamental objective;
- (d) it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;
- (e) in discharging the tasks entrusted to it the International Labour Organisation, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

ANNEXE**DÉCLARATION CONCERNANT LES BUTS ET OBJECTIFS
DE L'ORGANISATION INTERNATIONALE DU TRAVAIL**

La Conférence générale de l'Organisation internationale du Travail, réunie à Philadelphie en sa vingt-sixième session, adopte, ce dixième jour de mai 1944, la présente Déclaration des buts et objectifs de l'Organisation internationale du Travail, ainsi que des principes dont devrait s'inspirer la politique de ses Membres.

I

La Conférence affirme à nouveau les principes fondamentaux sur lesquels est fondée l'Organisation, à savoir notamment:

- a) le travail n'est pas une marchandise;
- b) la liberté d'expression et d'association est une condition indispensable d'un progrès soutenu;
- c) la pauvreté, où qu'elle existe, constitue un danger pour la prospérité de tous;
- d) la lutte contre le besoin doit être menée avec une inlassable énergie au sein de chaque nation, et par un effort international continu et concerté dans lequel les représentants des travailleurs et des employeurs, coopérant sur un pied d'égalité avec ceux des gouvernements, participent à de libres discussions et à des décisions de caractère démocratique en vue de promouvoir le bien commun.

II

Convaincue que l'expérience a pleinement démontré le bien-fondé de la déclaration contenue dans la Constitution de l'Organisation internationale du Travail, et d'après laquelle une paix durable ne peut être établie que sur la base de la justice sociale, la Conférence affirme que:

- a) tous les êtres humains, quels que soient leur race, leur croyance ou leur sexe, ont le droit de poursuivre leur progrès matériel et leur développement spirituel dans la liberté et la dignité, dans la sécurité économique et avec des chances égales;
- b) la réalisation des conditions permettant d'aboutir à ce résultat doit constituer le but central de toute politique nationale et internationale;
- c) tous les programmes d'action et mesures prises sur le plan national et international, notamment dans le domaine économique et financier, doivent être appréciés de ce point de vue et acceptés seulement dans la mesure où ils apparaissent de nature à favoriser, et non à entraver, l'accomplissement de cet objectif fondamental;
- d) il incombe à l'Organisation internationale du Travail d'examiner et de considérer à la lumière de cet objectif fondamental, dans le domaine international, tous les programmes d'action et mesures d'ordre économique et financier;
- e) en s'acquittant des tâches qui lui sont confiées, l'Organisation internationale du Travail, après avoir tenu compte de tous les facteurs économiques et financiers pertinents, a qualité pour inclure dans ses décisions et recommandations toutes dispositions qu'elle juge appropriées.

III

The Conference recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve:

- (a) full employment and the raising of standards of living;
- (b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;
- (c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;
- (d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;
- (e) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;
- (f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;
- (g) adequate protection for the life and health of workers in all occupations;
- (h) provision for child welfare and maternity protection;
- (i) the provision of adequate nutrition, housing and facilities for recreation and culture;
- (j) the assurance of equality of educational and vocational opportunity.

IV

Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

III

La Conférence reconnaît l'obligation solennelle pour l'Organisation internationale du Travail de seconder la mise en œuvre, parmi les différentes nations du monde, de programmes propres à réaliser:

- a) la plénitude de l'emploi et l'élévation des niveaux de vie;
- b) l'emploi des travailleurs à des occupations où ils aient la satisfaction de donner toute la mesure de leur habileté et de leurs connaissances et de contribuer le mieux au bien-être commun;
- c) pour atteindre ce but, la mise en œuvre, moyennant garanties adéquates pour tous les intéressés, de possibilités de formation et de moyens propres à faciliter les transferts de travailleurs, y compris les migrations de main-d'œuvre et de colons;
- (d) la possibilité pour tous d'une participation équitable aux fruits du progrès en matière de salaires et de gains, de durée du travail et autres conditions de travail, et un salaire minimum vital pour tous ceux qui ont un emploi et ont besoin d'une telle protection;
- e) la reconnaissance effective du droit de négociation collective et la coopération des employeurs et de la main-d'œuvre pour l'amélioration continue de l'organisation de la production, ainsi que la collaboration des travailleurs et des employeurs à l'élaboration et à l'application de la politique sociale et économique;
- (f) l'extension des mesures de sécurité sociale en vue d'assurer un revenu de base à tous ceux qui ont besoin d'une telle protection, ainsi que des soins médicaux complets;
- g) une protection adéquate de la vie et de la santé des travailleurs dans toutes les occupations;
- h) la protection de l'enfance et de la maternité;
- i) un niveau adéquat d'alimentation, de logement, et de moyens de récréation et de culture;
- j) la garantie de chances égales dans le domaine éducatif et professionnel.

IV

Convaincue qu'une utilisation plus complète et plus large des ressources productives du monde, nécessaire à l'accomplissement des objectifs énumérés dans la présente Déclaration, peut être assurée par une action efficace sur le plan international et national, et notamment par des mesures tendant à promouvoir l'expansion de la production et de la consommation, à éviter des fluctuations économiques graves, à réaliser l'avancement économique et social des régions dont la mise en valeur est peu avancée, à assurer une plus grande stabilité des prix mondiaux des matières premières et denrées, et à promouvoir un commerce international de volume élevé et constant, la Conférence promet l'entièvre collaboration de l'Organisation internationale du Travail avec tous organismes internationaux auxquels pourra être confiée une part de responsabilité dans cette grande tâche, ainsi que dans l'amélioration de la santé, de l'éducation et du bien-être de tous les peuples.

V

The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world.

The foregoing is the authentic text of the Constitution of the International Labour Organisation Instrument of Amendment, 1946, duly adopted by the General Conference of the International Labour Organisation on the ninth day of October one thousand nine hundred and forty-six in the course of its Twenty-ninth Session, which was held at Montreal.

The English and French versions of the text of this Instrument of Amendment are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this first day of November 1946.

The President of the Conference,
HUMPHREY MITCHELL.

The Director-General of the International Labour Office,
EDWARD PHELAN.

V

La Conférence affirme que les principes énoncés dans la présente Déclaration sont pleinement applicables à tous les peuples du monde, et que, si, dans les modalités de leur application, il doit être dûment tenu compte du degré de développement social et économique de chaque peuple, leur application progressive aux peuples qui sont encore dépendants, aussi bien qu'à ceux qui ont atteint le stade où ils se gouvernent eux-mêmes, intéresse l'ensemble du monde civilisé.

Le texte qui précède est le texte authentique de l'instrument d'amendement à la Constitution de l'Organisation internationale du Travail, 1946, dûment adopté par la Conférence générale de l'Organisation internationale du Travail le neuf octobre mil neuf cent quarante-six, au cours de sa vingt-neuvième session, qui s'est tenue à Montréal.

Les versions française et anglaise du texte du présent instrument d'amendement font également foi.

EN FOI DE QUOI ont apposé leurs signatures, ce premier jour de novembre 1946.

Le Président de la Conférence,
HUMPHREY MITCHELL.

Le Directeur général du Bureau international du Travail,
EDWARD PHELAN.

Canada - External Affairs Dept.

CANADA

TREATY SERIES, 1946

No. 49

PROTOCOL

FOR THE

DISSOLUTION OF THE INTERNATIONAL
INSTITUTE OF AGRICULTURE

AND THE

TRANSFERENCE OF ITS FUNCTIONS AND ASSETS
TO THE FOOD AND AGRICULTURE ORGANIZATION OF
THE UNITED NATIONS

Signed at Rome, March 30, 1946

RECUEIL DES TRAITÉS 1946

N° 49

PROTOCOLE

POUR LA

DISSOLUTION DE L'INSTITUT
INTERNATIONAL D'AGRICULTURE

ET LE

TRANSFERT DE SES FONCTIONS ET DE SES BIENS
À L'ORGANISATION DES NATIONS UNIES POUR
L'ALIMENTATION ET L'AGRICULTURE

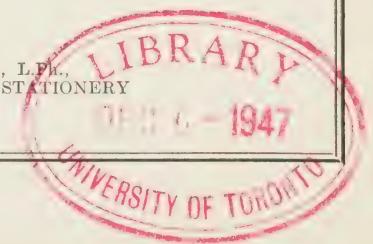
Signé à Rome le 30 mars 1946



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.P.C.,
KING'S PRINTER AND CONTROLLER OF STATIONERY

1947



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Signé à Rome le 30 mars 1946



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1947

**PROTOCOL FOR THE DISSOLUTION OF THE INTERNATIONAL
INSTITUTE OF AGRICULTURE AND THE TRANSFERENCE OF
ITS FUNCTIONS AND ASSETS TO THE FOOD AND AGRICUL-
TURE ORGANIZATION OF THE UNITED NATIONS.**

Signed at Rome, March 30, 1946

The Governments signatories to this Protocol,

Being parties to the Convention signed at Rome on June 7, 1905, creating the International Institute of Agriculture (hereinafter called the Institute),

Considering it desirable that the Institute (including the International Forestry Center, hereinafter called the Center) be dissolved and that the functions and assets thereof be transferred to the Food and Agriculture Organization of the United Nations (hereinafter called the Organization), and

Being cognizant of the resolution of the Permanent Committee of the Institute, have agreed as follows:

ARTICLE I

From the date to be announced by the Permanent Committee of the Institute in accordance with Article III of this Protocol, the Convention signed at Rome on June 7, 1905, by which the Institute was created, shall be no longer of any effect as between the parties to this Protocol, and the Institute (including the Center) thereupon shall be brought to an end.

ARTICLE II

The Permanent Committee of the Institute shall, in accordance with the directions of the General Assembly of the Institute, bring the affairs of the Institute (including the Center) to an end and for this purpose shall

(a) collect and bring together all assets of the Institute (including the Center) and take possession of the libraries, archives, records, and movable property thereof;

(b) pay and satisfy all outstanding debts and claims for which the Institute is liable;

(c) discharge the employees of the Institute and transfer all personnel files and records to the Organization;

(d) transfer to the Organization possession of and full title to the property in the libraries, archives, records, and all residual assets of the Institute (including the Center).

ARTICLE III

When the duties assigned to it by Article II of this Protocol have been completed, the Permanent Committee of the Institute shall forthwith, by circular letter, notify the Members of the Institute of the dissolution of the Institute (including the Center) and of the transfer of the functions and assets thereof to the Organization. The date of such notification shall be deemed to be the date of the termination of the Convention of June 7, 1905, and also the date of the dissolution of the Institute (including the Center).

PROTOCOLE POUR LA DISSOLUTION DE L'INSTITUT INTERNATIONAL D'AGRICULTURE ET LE TRANSFERT DE SES FONCTIONS ET DE SES BIENS À L'ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE.

Signé à Rome le 30 mars 1946

Les Gouvernements signataires du présent Protocole, Etant parties à la Convention signée à Rome le 7 juin 1905, qui créa l'Institut international d'Agriculture (ci-après dénommé "l'Institut"),

Considérant qu'il serait utile de dissoudre l'Institut (y compris le Centre international de Sylviculture, ci-après dénommé "le Centre") et d'en transférer les fonctions et les biens à l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture (ci-après dénommé "l'Organisation"), et

Ayant connaissance de la résolution du Comité permanent de l'Institut, sont convenus de ce qui suit:

ARTICLE I

A partir de la date qui sera annoncée par le Comité permanent de l'Institut aux termes de l'Article III du présent Protocole, la Convention signée à Rome le 7 juin 1905 et en vertu de laquelle l'Institut fut créé ne produira plus aucun effet entre les parties à ce Protocole, et l'Institut (le Centre y compris) sera en conséquence dissous.

ARTICLE II

Le Comité permanent de l'Institut, en conformité avec les instructions de l'Assemblée générale de l'Institut, mettra fin aux activités de l'Institut (le Centre y compris) et, à ces fins, devra:

- a) recueillir et rassembler tous les avoirs de l'Institut (le Centre y compris) et prendre possession de ses bibliothèques, archives, registres et autres biens mobiliers;
- b) régler toutes dettes ou créances dont l'Institut est responsable;
- c) révoquer les employés de l'Institut et transférer à l'Organisation tous les dossiers et états de service du personnel;
- d) transférer à l'Organisation la jouissance et pleine propriété des bibliothèques, archives, registres et avoirs résiduaires de l'Institut (le Centre y compris).

ARTICLE III

Après s'être acquitté des tâches qui lui sont confiées par l'Article II du présent Protocole, le Comité permanent de l'Institut notifiera immédiatement tous les Membres de l'Institut, par lettre circulaire, de la dissolution de l'Institut (le Centre y compris) et du transfert de ses fonctions et de ses biens à l'Organisation. La date de cette notification sera considérée comme la date de la terminaison de la Convention du 7 juin 1905, et comme celle de la dissolution de l'Institut (le Centre y compris).

ARTICLE IV

Upon bringing to an end the affairs of the Institute (including the Center) the powers, rights or duties attributed to it by the provisions of the International Conventions listed in the Annex of this Protocol, shall devolve upon the Organization; and the parties to this Protocol which are parties to the said Conventions shall execute such provisions, insofar as they remain in force, in all respects as though they refer to the Organization in place of the Institute.

ARTICLE V

Any Member of the Institute which is not a signatory to this Protocol may at any time accede to this Protocol by sending a written notice of accession to the Director General of the Organization, who shall inform all signatory and acceding Governments of such accession.

ARTICLE VI

1. This Protocol shall not be subject to ratification in respect to any government unless a specific reservation to that effect is made at the time of signature.

2. This Protocol shall come into force upon its acceptance in respect to at least thirty-five Governments Members of the Institute. Such acceptance shall be effected by:

(a) signature without reservation in regard to ratification, or

(b) deposit of an instrument of ratification in the archives of the Organization by Governments on behalf of which this Protocol is signed with a reservation in regard to ratification, or

(c) notice of accession in accordance with Article V.

3. After coming into force in accordance with paragraph 2 of this Article, this Protocol shall come into force for any other Government a Member of the Institute

(a) on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event it shall come into force for such Government on the date of deposit of its instrument of ratification, or

(b) on the date of the receipt of the notice of accession, in the case of any non-signatory Government which accedes in accordance with Article V.

IN WITNESS WHEREOF the duly authorized representatives of their respective Governments have met this day and have signed the present Protocol, which is drawn up in the French and English languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Organization. Authenticated copies shall be furnished by the Organization to each of the signatory and acceding Governments and to any other Government which, at the time this Protocol is signed, is a Member of the Institute.

DONE at Rome this 30th day of March, 1946.

(Here follow the names of the representatives for Argentina (ad referendum), Australia, Belgium (including the Belgian Congo), Brazil (subject to ratification), Bulgaria (with the mention that the Bulgarian Government favours the creation of an European section of the F.A.O.), Canada, Chile (subject to ratification according to Chilean constitutional provisions), China

ARTICLE IV

Après qu'il aura été mis fin aux activités de l'Institut (le Centre y compris), les pouvoirs, droits ou attributions conférés à l'Institut par les dispositions des Conventions internationales énumérées à l'Annexe au présent Protocole, incomberont à l'Organisation; et les parties à ce Protocole qui sont parties aux dites Conventions devront exécuter les dispositions susmentionnées, dans la mesure où elles resteront en vigueur, à tous égards comme si elles visaient l'Organisation au lieu de l'Institut.

ARTICLE V

Les Membres de l'Institut qui ne sont pas signataires du présent Protocole peuvent y accéder à tout moment en notifiant leur accession par écrit au Directeur général de l'Organisation, qui en informera tous les Gouvernements signataires et adhérents.

ARTICLE VI

1. Le présent Protocole ne sera pas sujet à ratification, à moins qu'une réserve expresse n'ait été faite à cet effet au moment de procéder à sa signature.

2. Le présent Protocole entrera en vigueur dès qu'il aura été accepté par au moins trente-cinq des Gouvernements Membres de l'Institut. Cette acceptation sera effectuée comme suit:

a) signature sans réserve de ratification, ou

b) dépôt d'un instrument de ratification dans les archives de l'Organisation par les Gouvernements au nom desquels le présent Protocole est signé avec réserve de ratification, ou

c) notification d'accession aux termes de l'Article V.

3. Après son entrée en vigueur aux termes de l'alinéa 2 du présent article, le présent Protocole vaudra à l'égard de tout autre Gouvernement Membre de l'Institut,

a) à la date de la signature en son nom, à moins que cette signature ne soit accompagnée d'une réserve de ratification; dans ce cas, il entrera en vigueur en ce qui concerne ce Gouvernement à la date du dépôt de son instrument de ratification, ou

b) à la date de la réception de la notification d'accession, dans le cas d'un Gouvernement non signataire y accédant aux termes de l'Article V.

EN FOI DE QUOI, les représentants dûment autorisés des Gouvernements respectifs se sont réunis en ce jour et ont signé le présent Protocole, lequel est établi en français et en anglais, les deux textes faisant également foi, en un seul exemplaire qui sera déposé dans les archives de l'Organisation. Des copies légalisées seront fournies par l'Organisation à chacun des Gouvernements signataires et adhérents, et à tout autre Gouvernement qui, au moment de la signature du présent Protocole, est Membre de l'Institut.

FAIT à Rome, le 30 mars 1946.

(Suivent les noms des représentants pour l'Argentine (ad referendum), l'Australie, la Belgique (y compris le Congo Belge), le Brésil (sous réserve de ratification), la Bulgarie (avec la mention que le Gouvernement Bulgare est en faveur de la création d'une section européenne de la F.A.O.), le Canada, le Chili (avec réserve d'ultérieure ratification, conformément aux dispositions

Colombia (subject to ratification according to Colombian constitutional provisions), Cuba, Denmark, Egypt (subject to ratification), Ireland, Ecuador (ad referendum), Spain, the United States of America (including Hawaii, the Philippines, Puerto Rico and the Virgin Islands) (subject to ratification), Finland, France (including Algeria, French West Africa, French Morocco, Indo-China, Madagascar and Tunis), Greece, Haiti (ad referendum), Hungary, India, Iran, Italy (subject to ratification), Luxembourg, Nicaragua (ad referendum), Norway, Paraguay, the Netherlands (including the Netherlands Indies), Peru (subject to ratification according to Peruvian constitutional provisions), Poland, Portugal, Rumania (with the mention that the Rumanian Government favours the maintenance of the International Institute of Agriculture as the European section of the F.A.O., with headquarters at Rome), the United Kingdom of Great Britain and Northern Ireland, San Marino, Siam, Sweden, Switzerland, Czechoslovakia (subject to ratification), Turkey (subject to ratification), the Union of South Africa, Uruguay, Yugoslavia (subject to ratification), El Salvador.

ANNEX

LIST OF CONVENTIONS TO WHICH ARTICLE IV OF THE PROTOCOL RELATES

International Convention for Locust Control, dated at Rome October 31, 1920.

International Convention for Plant Protection, dated at Rome April 16, 1929.

International Convention concerning the Marking of Eggs in International Trade, dated at Brussels December 11, 1931.

International Convention for the Standardization of the Methods of Cheese Analysis, dated at Rome April 26, 1934.

International Convention for the Standardization of Methods of Analyzing Wines, dated at Rome June 5, 1935.

International Convention for the Standardization of the Methods of Keeping and Utilizing Herd-Books, dated at Rome October 14, 1936.

légales chiliennes), la Chine, la Colombie (avec réserve d'ultérieure ratification conformément aux dispositions légales colombiennes), le Cuba, le Danemark, l'Egypte (sous réserve de ratification), l'Irlande, l'Equateur (ad referendum), l'Espagne, les Etats-Unis d'Amérique (y compris Hawaii, les Iles Vierges, les Philippines et Porto-Rico) (sous réserve de ratification), la Finlande, la France (y compris l'Afrique Occidentale Française, l'Algérie, l'Indo-Chine, le Madagascar, le Maroc (partie française) et la Tunisie), la Grèce, Haïti, (ad referendum), la Hongrie, l'Inde, l'Iran, l'Italie (avec réserve de ratification), le Luxembourg, le Nicaragua (ad referendum), la Norvège, le Paraguay, les Pays-Bas (y compris les Indes Néerlandaises), le Pérou (avec réserve d'ultérieure ratification, conformément aux dispositions légales péruviennes), la Pologne, le Portugal, la Roumanie (avec la mention que le Gouvernement Roumain est en faveur du maintien de l'Institut International d'Agriculture, comme section européenne de la FAO, avec siège à Rome), le Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord, le Saint-Marin, le Siam, la Suède, la Suisse, la Tchécoslovaquie (sous réserve de ratification), la Turquie (sous réserve de ratification), l'Union de l'Afrique du Sud, l'Uruguay, la Yougoslavie (sous réserve de ratification), El Salvador.

ANNEXE

LISTE DES CONVENTIONS VISÉES PAR L'ARTICLE IV DU PRÉSENT PROTOCOLE

Convention internationale de Rome du 31 octobre 1920 pour la lutte contre les sauterelles.

Convention internationale de Rome du 16 avril 1929 pour la protection des végétaux.

Convention internationale de Bruxelles du 11 décembre 1931 pour le marquage des œufs dans le commerce international.

Convention internationale de Rome du 26 avril 1934 pour l'unification des méthodes d'analyse des fromages.

Convention internationale de Rome du 5 juin 1935 pour l'unification des méthodes d'analyse des vins.

Convention internationale de Rome du 14 octobre 1936 pour l'unification des méthodes de tenue et de fonctionnement des livres généalogiques du bétail.

Canada External Affairs Dept. or

(CANADA)

TREATY SERIES, 1946
No. 50

PROTOCOL
AMENDING THE
INTERNATIONAL AGREEMENTS, CONVENTIONS
AND PROTOCOLS ON NARCOTIC DRUGS
CONCLUDED IN 1912, 1925, 1931 AND 1936

Signed at Lake Success (N.Y.), December 11, 1946

RECUEIL DES TRAITÉS 1946
N° 50

PROTOCOLE
AMENDANT LES
ACCORDS, CONVENTIONS ET PROTOCOLES
SUR LES STUPÉFIANTS
CONCLUS EN 1912, 1925, 1931 ET 1936

Signé à Lake Success (N.Y.) le 11 décembre 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., LL.D.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
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**PROTOCOL AMENDING THE AGREEMENTS, CONVENTIONS AND
PROTOCOLS ON NARCOTIC DRUGS CONCLUDED AT THE
HAGUE ON 23 JANUARY 1912, AT GENEVA ON 11 FEBRUARY
1925 AND 19 FEBRUARY 1925, AND 13 JULY 1931, AT BANG-
KOK ON 27 NOVEMBER 1931, AND AT GENEVA ON 26 JUNE
1936.***

Signed at Lake Success (N.Y.), December 11, 1946

The States Parties to the present Protocol, considering that under the international Agreements, Conventions and Protocols relating to narcotic drugs which were concluded on 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931 and 26 June 1936, the League of Nations was invested with certain duties and functions for whose continued performance it is necessary to make provision in consequence of the dissolution of the League, and considering that it is expedient that these duties and functions should be performed henceforth by the United Nations and the World Health Organization or its Interim Commission, have agreed upon the following provisions:

ARTICLE 1

The States Parties to the present Protocol undertake that as between themselves they will, each in respect of the instruments to which it is a party, and in accordance with the provisions of the present Protocol, attribute full legal force and effect to, and duly apply the amendments to those instruments which are set forth in the Annex to the present Protocol.

ARTICLE 2

1. It is agreed that during the period preceding the entry into force of the Protocol in respect of the International Convention relating to Dangerous Drugs of 19 February 1925, and in respect of the International Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs of 13 July 1931, the Permanent Central Board and the Supervisory Body as at present constituted shall continue to perform their functions. Vacancies in the membership of the Permanent Central Board may during this period be filled by the Economic and Social Council.

2. The Secretary-General of the United Nations is authorized to perform at once the duties hitherto discharged by the Secretary-General of the League of Nations in connection with the Agreements, Conventions and Protocols mentioned in the Annex to the present Protocol.

3. States which are parties to any of the instruments which are to be amended by the present Protocol are invited to apply the amended texts of those instruments so soon as the amendments are in force even if they have not yet been able to become Parties to the present Protocol.

4. Should the amendments to the Convention relating to Dangerous Drugs of 19 February 1925, or the amendments to the Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs of 13 July 1931,

*For the text of the Convention of The Hague of 23 January 1912, see *Treaties affecting Canada in force between His Majesty and the United States of America 1815-1925*, p. 396.

For the Convention of Geneva of 19 February 1925, see *Canada Treaty Series 1928*, No. 4.

For the Convention of Geneva of 13 July 1941, see *Canada Treaty Series 1932*, No. 7.

For the Convention of Geneva of 26 June 1936, see *Canada Treaty Series 1939*, No. 12.

PROTOCOLE AMENDANT LES ACCORDS, CONVENTIONS ET PROTOCOLES SUR LES STUPÉFIANTS CONCLUS À LA HAYE LE 23 JANVIER 1912, À GENÈVE LE 11 FÉVRIER 1925 ET LE 19 FÉVRIER 1925 ET LE 13 JUILLET 1931, À BANGKOK LE 27 NOVEMBRE 1931, ET À GENÈVE LE 26 JUIN 1936.*

Signé à Lake Success (N.Y.) le 11 décembre 1946

Les Etats Parties au présent Protocole, considérant que les Accords, Conventions et Protocoles internationaux concernant les stupéfiants qui ont été conclus le 23 janvier 1912, le 11 février 1925, le 19 février 1925, le 13 juillet 1931, le 27 novembre 1931 et le 26 juin 1936 ont confié à la Société des Nations certains devoirs et certaines fonctions et, en raison de la dissolution de la Société des Nations, il est nécessaire de prendre des dispositions en vue d'en assurer l'accomplissement sans interruption, et considérant qu'il est opportun que ces devoirs et ces fonctions soient accomplis désormais par l'Organisation des Nations Unies et par l'Organisation mondiale de la santé ou par sa Commission intérimaire, sont convenus des dispositions suivantes:

ARTICLE 1

Les Etats Parties au présent Protocole prennent l'engagement qu'entre eux-mêmes, chacun en ce qui concerne les instruments auxquels il est Partie, et conformément aux dispositions du présent Protocole, ils attribueront plein effet juridique aux amendements à ces instruments mentionnés à l'annexe au présent Protocole, les mettront en vigueur et en assureront l'application.

ARTICLE 2

1. Il est convenu que, en attendant l'entrée en vigueur du Protocole relativement à la Convention internationale du 19 février 1925 concernant les drogues nuisibles et relativement à la Convention internationale du 13 juillet 1931 pour limiter la fabrication et réglementer la distribution des stupéfiants, le Comité central permanent et l'Organe de contrôle, tels qu'ils sont constitués actuellement, continueront à exercer leurs fonctions. Pendant cette période, le Conseil économique et social pourra pourvoir aux sièges vacants au Comité central permanent.

2. Le Secrétaire général de l'Organisation des Nations Unies est autorisé à assumer immédiatement les fonctions dont le Secrétaire général de la Société des Nations était chargé jusqu'à présent en ce qui concerne les Accords, Conventions et Protocoles mentionnés à l'annexe du présent Protocole.

3. Les Etats Parties à l'un des instruments qui doivent être amendés par le Protocole sont invités à appliquer les textes amendés de ces instruments dès l'entrée en vigueur des amendements, même s'ils n'ont pas encore pu devenir Parties au présent Protocole.

4. Si les amendements à la Convention sur les drogues nuisibles du 19 février 1925 ou les amendements à la Convention pour limiter la fabrication et réglementer la distribution de stupéfiants du 13 juillet 1931 entrent en vigueur avant

* Pour le texte de la Convention de la Haye du 23 janvier 1912, voir "Treaties affecting Canada in force between His Majesty and the United States of America 1815-1925," p. 396.

Pour le texte de la Convention de Genève du 19 février 1925, voir le fascicule n° 4 du Recueil des Traité 1928.

Pour le texte de la Convention de Genève du 13 juillet 1931, voir le fascicule n° 7 du Recueil des Traité 1932.

Pour le texte de la Convention de Genève du 26 juin 1936, voir le fascicule n° 12 du Recueil des Traité 1939.

come into force before the World Health Organization is in a position to assume its functions under these Conventions, the functions conferred on that Organization by the amendments shall, provisionally, be performed by its Interim Commission.

ARTICLE 3

The functions conferred upon The Netherlands Government under Articles 21 and 25 of the International Opium Convention signed at The Hague on 23 January 1912, and entrusted to the Secretary-General of the League of Nations with the consent of The Netherlands Government, by a Resolution of the League of Nations Assembly dated 15 December 1920, shall henceforward be exercised by the Secretary-General of the United Nations.

ARTICLE 4

As soon as possible after this Protocol has been opened for signature, the Secretary-General shall prepare texts of the Agreements, Conventions and Protocols revised in accordance with the present Protocol and shall send copies for their information to the Government of every Member of the United Nations and every non-Member State to which this Protocol has been communicated by the Secretary-General.

ARTICLE 5

The present Protocol shall be open for signature or acceptance by any of the States Parties to the Agreements, Conventions and Protocols on narcotic drugs on 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931 and 26 June 1936, to which the Secretary-General of the United Nations has communicated a copy of the present Protocol.

ARTICLE 6

States may become Parties to the present Protocol by

- (a) signature without reservation as to approval,
- (b) signature subject to approval followed by acceptance or
- (c) acceptance.

Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

ARTICLE 7

1. The present Protocol shall come into force in respect of each Party on the date upon which it has been signed on behalf of that Party without reservation as to approval, or upon which an instrument of acceptance has been deposited.

2. The amendments set forth in the Annex to the present Protocol shall come into force in respect of each Agreement, Convention and Protocol when a majority of the Parties thereto have become Parties to the present Protocol.

ARTICLE 8

In accordance with Article 102 of the Charter of the United Nations, the Secretary-General of the United Nations will register and publish the amendments made in each instrument by the present Protocol on the dates of the entry into force of these amendments.

que l'Organisation mondiale de la santé soit en mesure de remplir les fonctions que ces Conventions lui attribuent, les fonctions confiées à cette Organisation par les amendements seront provisoirement remplies par la Commission intérimaire.

ARTICLE 3

Les fonctions attribuées au Gouvernement des Pays-Bas en vertu des articles 21 et 25 de la Convention internationale de l'opium signée à la Haye le 23 janvier 1912 et confiées au Secrétaire général de la Société des Nations, avec le consentement du Gouvernement des Pays-Bas, par une résolution de l'Assemblée de la Société des Nations en date du 15 décembre 1920, seront exercées désormais par le Secrétaire général de l'Organisation des Nations Unies.

ARTICLE 4

Aussitôt que possible après l'ouverture à la signature du présent Protocole, le Secrétaire général préparera les textes des Accords, Conventions et Protocoles revisés conformément au présent Protocole et transmettra, à titre d'information, des copies au Gouvernement de chaque Membre des Nations Unies et de chaque Etat non membre auquel le présent Protocole aura été communiqué par le Secrétaire général.

ARTICLE 5

Le présent Protocole sera ouvert à la signature ou à l'acceptation de tous les Etats Parties aux Accords, Conventions et Protocoles sur les stupéfiants du 23 janvier 1912, du 11 février 1925, du 19 février 1925, du 13 juillet 1931 et du 27 novembre 1931 et du 26 juin 1936, auxquels le Secrétaire général de l'Organisation des Nations Unies aura communiqué une copie du présent Protocole.

ARTICLE 6

Les Etats pourront devenir Parties au présent Protocole

- a) En le signant sans réserve quant à l'approbation,
- b) En le signant sous réserve d'approbation, suivie d'acceptation,
- c) En l'acceptant.

L'acceptation s'effectuera par le dépôt d'un instrument formel auprès du Secrétaire général de l'Organisation des Nations Unies.

ARTICLE 7

1. Le présent Protocole entrera en vigueur à l'égard de chaque Partie à la date où celle-ci y aura adhéré sans formuler de réserves quant à son acceptation, ou à la date à laquelle un instrument d'acceptation aura été déposé.

2. Les amendements mentionnés à l'annexe au présent Protocole entreront en vigueur, en ce qui concerne chaque Accord, Convention et Protocole, lorsqu'une majorité des Parties à l'Accord à la Convention et au Protocole en question seront devenues Parties au présent Protocole.

ARTICLE 8

Conformément à l'Article 102 de la Charte des Nations Unies, le Secrétaire général de l'Organisation des Nations Unies enregistrera et publiera les amendements apportés à chaque instrument par le présent Protocole avec dates d'entrée en vigueur de ces amendements.

ARTICLE 9

The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations Secretariat. The Agreements, Conventions and Protocols to be amended in accordance with the Annex being in the English and French languages only, the English and French texts of the Annex shall equally be the authentic texts and the Chinese, Russian and Spanish texts will be translations. A certified copy of the Protocol, including the Annex, shall be sent by the Secretary-General to each of the States Parties to the Agreements, Conventions and Protocols on narcotic drugs of 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931 and 26 June 1936, as well as to all Members of the United Nations and non-member States mentioned in Article IV.

IN FAITH WHEREOF the undersigned, duly authorized, have signed the present Protocol on behalf of their respective Governments on the dates appearing opposite their respective signatures.

DONE at Lake Success, New-York, this eleventh day of December one thousand nine hundred and forty-six.

(Here follow the names of the Plenipotentiaries for Afghanistan, Argentina, Australia (subject to the approval of the Government of Australia, Belgium, Bolivia, Brazil the Byelorussian Soviet Socialist Republic, Canada (Paul Martin, 11 Dec. 1946), Chile, China, Colombia, Costa Rica, Cuba (subject to approval by the Senate of the Republic), Czechoslovakia, Denmark, the Dominican Republic, Ecuador (subject to approval), Egypt, France, Greece, Guatemala, Haiti (ad referendum), Honduras, India, Iran, Iraq, Lebanon, Liberia, Grand Duchy of Luxembourg, Mexico, the Netherlands, New Zealand, Nicaragua (subject to approval) Norway, Panama, Paraguay (ad referendum), the Philippine Republic, Poland, Saudi Arabia, Syria, Turkey (only in respect of Conventions to which Turkey is a Party), the Ukrainian Soviet Socialist Republic (subject to approval), the Union of South Africa, the Union of Soviet Socialist Republics (subject to approval), the United Kingdom of Great Britain and Northern Ireland, the United States of America (subject to approval), Uruguay (ad referendum), Venezuela (ad referendum), Yugoslavia.)

ARTICLE 9

Le présent Protocole, dont les textes anglais, chinois, espagnol, français et russe feront également foi, sera déposé aux archives du Secrétariat de l'Organisation des Nations Unies. Les Conventions, Accords et Protocoles à amender conformément à l'annexe ayant été rédigés seulement en anglais et en français, les textes anglais et français de l'annexe feront également foi, les textes chinois, espagnol et russe étant des traductions. Une copie certifiée conforme du présent Protocole, y compris l'annexe, sera envoyée par le Secrétaire général à chacun des Etats Parties aux Accords, Conventions et Protocoles sur les stupéfiants du 23 janvier 1912, du 11 février 1925, du 19 février 1925, du 13 juillet 1931, du 27 novembre 1931 et du 26 juin 1936, ainsi qu'à tous les Membres des Nations Unies et aux Etats non membres mentionnés à l'article IV.

EN FOI DE QUOI les soussignés dûment autorisés ont signé le présent Protocole au nom de leurs Gouvernements respectifs aux dates figurant en regard de leur signature respective.

FAIT à Lake Success, New-York, le onze décembre mil neuf cent quarante-six.

(Suivent les noms des Plénipotentiaires pour l'Afghanistan, l'Argentine, l'Australie (sous réserve d'approbation par le Gouvernement de l'Australie), la Belgique, la Bolivie, le Brésil, la République Socialiste Soviétique de Biélorussie, le Canada (Paul Martin, 11 déc. 1946), le Chili, la Chine, la Colombie, Costa-Rica, Cuba (sous réserve d'approbation par le Sénat de la République), la Tchécoslovaquie, le Danemark, la République Dominicaine, l'Equateur (sous réserve d'approbation), l'Egypte, la France, la Grèce, le Guatémala, Haïti (ad referendum), Honduras, l'Inde, l'Iran, l'Irak, le Liban, le Libéria, le Grand-Duché de Luxembourg, le Mexique, les Pays-Bas, la Nouvelle-Zélande, le Nicaragua (sous réserve d'approbation), la Norvège, Panama, le Paraguay (ad referendum), la République des Philippines, la Pologne, l'Arabie Saoudite, la Syrie, la Turquie (uniquement en ce qui concerne les Conventions auxquelles la Turquie est Partie), la République Socialiste Soviétique d'Ukraine, l'Union Sud-africaine, l'Union des Républiques Socialistes Soviétiques (sous réserve d'approbation), le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, les Etats-Unis d'Amérique (sous réserve d'approbation), l'Uruguay (ad referendum), le Venezuela (ad referendum), la Yougoslavie.)

ANNEX

TO THE PROTOCOL AMENDING THE AGREEMENTS, CONVENTIONS AND PROTOCOLS ON NARCOTIC DRUGS CONCLUDED AT THE HAGUE ON 23 JANUARY 1912, AT GENEVA ON 11 FEBRUARY 1925 AND 19 FEBRUARY 1925, AND 13 JULY 1931, AT BANGKOK ON 27 NOVEMBER 1931 AND AT GENEVA ON 26 JUNE 1936.

1. Agreement concerning the Manufacture of, Internal Trade in, and Use of Prepared Opium, with Protocol and Final Act, signed at Geneva on 11 February 1925.

In articles 10, 13, 14 and 15 of the Agreement, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations" and "the Secretariat of the United Nations" shall be substituted for "the Secretariat of the League of Nations".

In articles 3 and 4 of the Protocol, "the Economic and Social Council of the United Nations" shall be substituted for "the Council of the League of Nations".

2. International Convention relating to Dangerous Drugs, with Protocol, signed at Geneva on 19 February 1925.

For article 8, the following article shall be substituted:

"In the event of the World Health Organization on the advice of an expert committee appointed by it, finding that any preparation containing any of the narcotic drugs referred to in the present chapter cannot give rise to the drug habit on account of the medicaments with which the said drugs are compounded and which in practice preclude the recovery of the said drugs, the World Health Organization shall communicate this finding to the Economic and Social Council of the United Nations. The Council will communicate the finding to the Contracting Parties, and thereupon the provisions of the present Convention will not be applicable to the preparation concerned."

For article 10, the following article shall be substituted:

"In the event of the World Health Organization, on the advice of an expert committee appointed by it, finding that any narcotic drug to which the present Convention does not apply is liable to similar abuse and productive of similar ill-effects as the substances to which this chapter of the Convention applies the World Health Organization shall inform the Economic and Social Council accordingly and recommend that the provisions of the present Convention shall be applied to such drug."

"The Economic and Social Council shall communicate the said recommendation to the Contracting Parties. Any Contracting Party which is prepared to accept the recommendation shall notify the Secretary-General of the United Nations, who will inform the other Contracting Parties.

"The provisions of the present Convention shall thereupon apply to the substance in question as between the Contracting Parties who have accepted the recommendation referred to above."

In the third paragraph of article 19, "the Economic and Social Council of the United Nations" shall be substituted for "the Council of the League of Nations".

The fourth paragraph of article 19 shall be deleted.

ANNEXE

AU PROTOCOLE AMENDANT LES ACCORDS, CONVENTIONS ET PROTOCOLES SUR LES STUPÉFIANTS CONCLUS À LA HAYE LE 23 JANVIER 1912, À GENÈVE LE 11 FÉVRIER 1925 ET LE 19 FÉVRIER 1925 ET LE 13 JUILLET 1931, À BANGKOK LE 27 NOVEMBRE 1931 ET À GENÈVE LE 26 JUIN 1936.

1. Accord concernant la fabrication, le commerce intérieur et l'usage de l'opium préparé, avec protocole et Acte Final, signés à Genève le 11 février 1925.

Aux articles 10, 13, 14 et 15 de l'Accord, on remplacera "Secrétaire général de la Société des Nations" par "Secrétaire général de l'Organisation des Nations Unies" et "Secrétariat de la Société des Nations" par "Secrétariat de l'Organisation des Nations Unies".

Aux articles 3 et 4 du Protocole, on remplacera "le Conseil de la Société des Nations" par "le Conseil économique et social de l'Organisation des Nations Unies".

2. Convention internationale sur les drogues nuisibles, avec Protocole, signés à Genève le 19 février 1925.

On remplacera l'article 8 par l'article suivant:

"Lorsque l'Organisation mondiale de la santé sur l'avis d'un Comité d'experts nommé par elle, aura constaté que certaines préparations contenant les stupéfiants visés dans le présent chapitre ne peuvent donner lieu à la toxicomanie en raison de la nature des substances médicamenteuses avec lesquelles ces stupéfiants sont associés et qui empêchent de les récupérer pratiquement, l'Organisation mondiale de la santé avisera de cette constatation le Conseil économique et social de l'Organisation des Nations Unies. Le Conseil communiquera cette constatation aux Parties contractantes, ce qui aura pour effet de soustraire au régime de la présente Convention les préparations en question."

On remplacera l'article 10 par l'article suivant:

"Lorsque l'Organisation mondiale de la santé, sur l'avis d'un comité d'experts nommé par elle, aura constaté que tout stupéfiant auquel la présente Convention ne s'applique pas est susceptible de donner lieu à des abus analogues et de produire des effets aussi nuisibles que les substances visées par ce chapitre de la Convention, l'Organisation mondiale de la santé en informera le Conseil économique et social et lui recommandera que les dispositions de la présente Convention soient appliquées à cette substance.

"Le Conseil économique et social communiquera cette recommandation aux Parties contractantes. Toute Partie contractante qui accepte la recommandation signifiera son acceptation au Secrétaire général de l'Organisation des Nations Unies, qui en avisera les autres Parties contractantes.

"Les dispositions de la présente Convention deviendront immédiatement applicables à la substance en question dans les relations entre les Parties contractantes qui auront accepté la recommandation visée par les paragraphes précédents."

Au troisième paragraphe de l'article 19, on remplacera "le Conseil de la Société des Nations" par "le Conseil économique et social de l'Organisation des Nations Unies".

Le quatrième paragraphe de l'article 19 sera supprimé.

In articles 20, 24, 27, 30, 32 and 38 (paragraph 1), "the Economic and Social Council of the United Nations" shall be substituted for "the Council of the League of Nations" and the "Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations", wherever these words occur.

In article 32, "the International Court of Justice" shall be substituted for "the Permanent Court of International Justice".

Article 34 shall read as follows:

"The present Convention is subject to ratification. As from 1 January 1947, the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and the non-member States to which the Secretary-General has communicated a copy of the Convention."

Article 35 shall read as follows:

"After the 30th day of September 1925, the present Convention may be acceded to by any State represented at the Conference at which this Convention was drawn up and which has not signed the Convention, by any Member of the United Nations, or by any non-member State mentioned in article 34.

"Accessions shall be effected by an instrument communicated to the Secretary-General of the United Nations to be deposited in the archives of the Secretariat of the United Nations. The Secretary-General shall at once notify such deposit to all the Members of the United Nations signatories of the Convention and to the signatory non-member States mentioned in article 34 as well as to the adherent States."

Article 37 shall read as follows:

"A special record shall be kept by the Secretary-General of the United Nations showing which States have signed, ratified, acceded to or denounced the present Convention. This record shall be open to the Contracting Parties and shall be published from time to time as may be directed."

The second paragraph of article 38 shall read as follows:

"The Secretary-General of the United Nations shall notify the receipt of any such denunciations to all the Members of the United Nations and to the States mentioned in article 34."

3. International Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs, with Protocol of Signatures, signed at Geneva on 13 July 1931.

In article 5, paragraph 1, the words "to all the Members of the League of Nations and to the non-member States mentioned in article 27" shall be replaced by the words "to all the Members of the United Nations and to the non-member States mentioned in article 28".

For the first sub-paragraph of paragraph 6 of article 5, the following sub-paragraph shall be substituted:

"The estimates will be examined by a Supervisory Body consisting of four members. The World Health Organization shall appoint two members and the Commission on Narcotic Drugs of the Economic and Social Council and the Permanent Central Board shall each appoint one member."

"The secretariat of the Supervisory Body shall be provided by the Secretary-General of the United Nations who will ensure close collaboration with the Permanent Central Board."

Aux articles 20, 24, 27, 30, 32 et 38 (paragraphe 1), on remplacera "le Conseil de la Société des Nations" par "le Conseil économique et social de l'Organisation des Nations Unies" et "le Secrétaire général de la Société des Nations" par "le Secrétaire général de l'Organisation des Nations Unies" partout où ces appellations se rencontreront.

A l'article 32, on remplacera "la Cour permanente de Justice internationale" par "la Cour internationale de Justice".

L'article 34 sera rédigé comme suit:

"La présente Convention est sujette à ratification. A partir du 1er janvier 1947, les instruments de ratification seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies qui en notifiera le dépôt à tous les Membres de l'Organisation des Nations Unies et aux Etats non membres auxquels le Secrétaire général aura communiqué un exemplaire de la Convention."

L'article 35 sera rédigé comme suit:

"A partir du 30 septembre 1925, tout Etat représenté à la Conférence où fut élaborée la présente Convention et non signataire de celle-ci, tout Membre des Nations Unies ou tout Etat non membre mentionné à l'article 34 pourra adhérer à la présente Convention.

"Cette adhésion s'effectuera au moyen d'un instrument communiqué au Secrétaire général de l'Organisation des Nations Unies et qui sera déposé dans les archives du Secrétariat de l'Organisation des Nations Unies. Le Secrétaire général notifiera immédiatement ce dépôt aux Membres des Nations Unies signataires de la Convention et aux autres Etats non membres signataires mentionnés à l'article 34 ainsi qu'aux Etats adhérents."

L'article 37 sera rédigé comme suit:

"Un recueil spécial sera tenu par le Secrétaire général de l'Organisation des Nations Unies, indiquant quels Etats ont signé ou ratifié la présente Convention, y ont adhéré ou l'ont dénoncée. Ce recueil sera constamment ouvert aux Parties contractantes et publication en sera faite de temps à autre."

Le second paragraphe de l'article 38 sera rédigé comme suit:

"Le Secrétaire général de l'Organisation des Nations Unies portera à la connaissance de chacun des Membres de l'Organisation des Nations Unies et des Etats mentionnés à l'article 34 de toute dénonciation reçue par lui."

3. Convention internationale pour limiter la fabrication et réglementer la distribution des stupéfiants, avec Protocole de signature, signés à Genève le 13 juillet 1931.

Dans l'article 5, paragraphe 1, les mots: "à tous les Membres de la Société des Nations et aux Etats non membres mentionnés à l'article 27" seront remplacés par les mots "à tous les Membres de l'Organisation des Nations Unies et aux Etats non membres mentionnés à l'article 28".

Au premier alinéa du paragraphe 6 de l'article 5, sera substitué l'alinéa suivant:

"Les évaluations seront examinées par un Organe de contrôle comprenant quatre membres. L'Organisation mondiale de la santé nommera deux membres et la Commission des stupéfiants du Conseil économique et social ainsi que le Comité central permanent nommeront chacun un membre. Le secrétariat de l'Organe de contrôle sera assuré par le Secrétaire général de l'Organisation des Nations Unies en s'assurant la collaboration étroite du Comité central permanent."

In article 5, paragraph 7, the words "December 15th in each year" shall be substituted for the words "November 1st in each year", and the words "through the intermediary of the Secretary-General of the United Nations to all the Members of the United Nations and non-member States referred to in article 28" shall be substituted for the words "through the intermediary of the Secretary-General, to all the Members of the League of Nations and non-member States referred to in article 27".

For paragraphs 2, 3, 4 and 5 of article 11, the following paragraphs shall be substituted:

"2. Any High Contracting Party permitting trade in or manufacture for trade of any such product to be commenced shall immediately send a notification to that effect to the Secretary-General of the United Nations, who shall advise the other High Contracting Parties and the World Health Organization.

"3. The World Health Organization, acting on the advice of the expert committee appointed by it, will thereupon decide whether the product in question is capable of producing addiction (and is in consequence assimilable to the drugs mentioned in sub-group (a) of Group I), or whether it is convertible into such a drug (and is in consequence assimilable to the drugs mentioned in sub-group (b) of Group I or in Group II).

"4. In the event of the World Health Organization, on the advice of the expert committee appointed by it, deciding that the product is not itself a drug capable of producing addiction, but is convertible into such a drug, the question whether the drug in question shall fall under sub-group (b) of Group I or under Group II shall be referred for decision to a body of three experts competent to deal with the scientific and technical aspects of the matter, of whom one member shall be selected by the Government concerned, one by the Commission on Narcotic Drugs of the Economic and Social Council, and the third by the two members so selected.

"5. Any decision arrived at in accordance with the two preceding paragraphs shall be notified to the Secretary-General of the United Nations, who will communicate it to all States Members of the United Nations and the non-member States mentioned in article 28."

In paragraphs 6 and 7 of article 11, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General".

In articles 14, 20, 21, 23, 26, 31, 32 and 33, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

In article 21 for the words "by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs" shall be substituted the words "by the Commission on Narcotic Drugs of the Economic and Social Council".

For the second paragraph of article 25, the following paragraph shall be substituted:

"In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Parties, be referred to the International Court of Justice, if all the Parties to the dispute are Parties to the Statute, and, if any of the Parties to the dispute is not a Party to the Statute, to an arbitral tribunal constituted in accordance with the Hague Convention of 18 October 1907 for the Pacific Settlement of International Disputes."

Dans l'article 5, paragraphe 7, les mots "15 décembre de chaque année" remplaceront les mots "1er novembre de chaque année" et les mots "par l'entremise du Secrétaire général de l'Organisation des Nations Unies à tous les Membres des Nations Unies et aux Etats non membres mentionnés à l'article 28" remplaceront les mots "par l'entremise du Secrétaire général à tous les Membres de la Société des Nations et aux Etats non membres mentionnés à l'article 27".

Aux paragraphes 2, 3, 4 et 5 de l'article 11, seront substitués les paragraphes suivants:

"2. La Haute Partie contractante qui autorisera le commerce ou la fabrication commerciale d'un de ces produits en avisera immédiatement le Secrétaire général de l'Organisation des Nations Unies, qui communiquera cette notification aux autres Hautes Parties contractantes et à l'Organisation mondiale de la santé.

"3. L'Organisation mondiale de la santé, prenant l'avis du comité d'experts nommé par elle, décidera si le produit dont il s'agit peut engendrer la toxicomanie (et doit être assimilé de ce fait aux "drogues" mentionnées dans le sous-groupe a) du groupe I) ou s'il peut être transformé en une de ces mêmes drogues (et être, de ce fait, assimilé aux "drogues" mentionnées dans le sous-groupe b) du groupe I ou dans le groupe II).

"4. Si l'Organisation mondiale de la santé, prenant l'avis du comité d'experts nommé par elle, décide que, sans être une "drogue" susceptible d'engendrer la toxicomanie, le produit dont il s'agit peut être transformé en une telle "drogue", la question de savoir si ladite "drogue" rentre dans le sous-groupe b) du groupe I ou dans le groupe II sera soumise pour décision à un comité de trois experts qualifiés pour en examiner les aspects scientifiques et techniques. Deux de ces experts seront désignés respectivement par le gouvernement intéressé et par la Commission des stupéfiants du Conseil économique et social, le troisième sera désigné par les deux précités.

"5. Toute décision prise conformément aux deux paragraphes précédents sera portée à la connaissance du Secrétaire général de l'Organisation des Nations Unies, qui la communiquera à tous les Membres de l'Organisation et aux Etats non membre mentionnés à l'article 28."

Dans les paragraphes 6 et 7 de l'article 11, on remplacera "le Secrétaire général" par "le Secrétaire général de l'Organisation des Nations Unies".

Dans les articles 14, 20, 21, 23, 26, 31, 32 et 33, on remplacera "le Secrétaire général de la Société des Nations" par "le Secrétaire général de l'Organisation des Nations Unies".

A l'article 21, les mots "la Commission consultative du traffic de l'opium et autres drogues nuisibles" seront remplacés par les mots "la Commission des stupéfiants du Conseil économique et social".

On substituera au deuxième paragraphe de l'article 25 le paragraphe suivant:

"Au cas où de telles dispositions n'existeraient pas entre les Parties au différend, elles le soumettront à une procédure arbitrale ou judiciaire. A défaut d'un accord sur le choix d'un autre tribunal, elles soumettront le différend, à la requête de l'une d'elles, à la Cour internationale de Justice si elles sont toutes Parties au Statut et, si elles n'y sont pas toutes Parties, à un tribunal d'arbitrage constitué conformément à la Convention de La Haye du 18 octobre 1907 pour le règlement pacifique des conflits internationaux."

For the last paragraph of article 26, the following paragraph shall be substituted:

"The Secretary-General shall communicate to all Members of the United Nations or non-member States mentioned in article 28 all declarations and notices received in virtue of the present article."

Article 28 shall read as follows:

"The present Convention is subject to ratification. As from 1 January 1947, the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and to the non-member States to which the Secretary-General has communicated a copy of the Convention."

Article 29 shall read as follows:

"The present Convention may be acceded to on behalf of any Member of the United Nations or any non-member State mentioned in article 28. The instruments of accession shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and to the non-member States mentioned in article 28."

In the first paragraph of article 32, the last sentence shall read as follows:

"Each denunciation shall operate only as regards the High Contracting Party on whose behalf it has been deposited."

The second paragraph of article 32 shall read as follows:

"The Secretary-General shall notify all the Members of the United Nations and non-member States mentioned in article 28 of any denunciation received."

In the third paragraph of article 32, the words "High Contracting Parties" shall replace the words "Members of the League and non-member States bound by the present Convention".

In article 33, the words "High Contracting Party" and "High Contracting Parties" shall replace the words "Member of the League of Nations or non-member State bound by this Convention" and "Member of the League of Nations or non-member States bound by this Convention".

4. *Agreement for the Control of Opium-smoking in the Far East, with Final Act, signed at Bangkok on 27 November 1931.*

In articles V and VII, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

5. *International Convention for the Suppression of Illicit Traffic in Dangerous Drugs, signed at Geneva on 26 June 1936.*

In articles 16, 18, 21, 23 and 24, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

For article 17, second paragraph, the following paragraph shall be substituted:

"In case there is no such agreement between the Parties, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Parties, be referred to the International Court of Justice, if all the Parties to the dispute are Parties to the Statute, and, if any of

Le dernier paragraphe de l'article 26 sera remplacé par le suivant:

“Le Secrétaire général communiquera à tous les Membres de l'Organisation des Nations Unies, ainsi qu'aux Etats non membres mentionnés à l'article 28, toutes les déclarations et tous les avis reçus aux termes du présent article.”

L'article 28 sera rédigé comme suit:

“La présente Convention est sujette à ratification. A partir du 1er janvier 1947, les instruments de ratification seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies qui en notifiera le dépôt à tous les Membres de l'Organisation des Nations Unies ainsi qu'aux Etats non membres auxquels le Secrétaire général aura communiqué un exemplaire de la Convention.”

L'article 29 sera rédigé comme suit:

“Tout Membre de l'Organisation des Nations Unies et tout Etat non membre visé à l'article 28 pourra adhérer à la présente Convention. Les instruments d'adhésion seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies, qui en notifiera le dépôt à tous les Membres de l'Organisation des Nations Unies, ainsi qu'aux Etats non membres visés à l'article 28.”

Au premier paragraphe de l'article 32, la dernière phrase sera rédigée comme suit:

“Chaque dénonciation ne sera opérante que pour la Haute Partie contractante au nom de laquelle elle aura été déposée.”

Le second paragraphe de l'article 32 sera rédigé comme suit:

“Le Secrétaire général notifiera à tous les Membres de l'Organisation des Nations Unies et aux Etats non membres mentionnés à l'article 28 les dénonciations ainsi reçues.”

Au troisième paragraphe de l'article 32, les mots “des Hautes Parties contractantes” remplaceront les mots “des Membres de la Société des Nations et des Etats non membres qui sont liés par la présente Convention.”

A l'article 33, les mots “toute Haute Partie contractante” remplaceront les mots “Membres de la Société des Nations ou Etats non membres liés par la présente Convention” et les mots “toutes les Hautes Parties contractantes” remplaceront les mots “tous les autres Membres de la Société des Nations et Etats non membre ainsi liés.”

4. Accord pour le contrôle de l'habitude de fumer l'opium, en Extrême-Orient, avec Acte Final, signés à Bangkok le 27 novembre 1931.

Aux articles V et VII, les mots “le Secrétaire général de l'Organisation des Nations Unies” remplaceront les mots “le Secrétaire général de la Société des Nations”.

5. Convention internationale pour la répression du trafic illicite des drogues nuisibles, signée à Genève le 26 juin 1936.

Aux articles 16, 18, 21 23 et 24, on remplacera “Secrétaire général de la Société des Nations” par “Secrétaire général de l'Organisation des Nations Unies”.

A l'article 17, on remplacera le deuxième paragraphe par le paragraphe suivant:

“Au cas où de telles dispositions n'existeraient pas entre les Parties au différend, elles le soumettront à une procédure arbitrale ou judiciaire. A défaut d'un accord sur le choix d'un autre tribunal, elles soumettront le différend, à la requête de l'une d'elles, à la Cour internationale de Justice si elles sont toutes Parties au Statut et, si elles n'y sont pas toutes Parties,

the Parties to the dispute is not a Party to the Statute, to an arbitral tribunal constituted in accordance with the Hague Convention of 18 October 1907 for the Pacific Settlement of International Disputes."

Paragraph 4 of article 18 shall read as follows:

"The Secretary-General shall communicate to all the Members of the United Nations and to the non-member States mentioned in article 20 all declarations and notices received in virtue of this article."

Article 20 shall read as follows:

"The present Convention is subject to ratification. As from 1 January 1947, the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and the non-member States to which the Secretary-General has communicated a copy of the Convention."

Paragraph 1 of article 21 shall read as follows:

"The present Convention shall be open to accession on behalf of any Member of the United Nations or non-member State mentioned in article 20."

In paragraph 1 of article 24, the words "High Contracting Party" shall be substituted for the words "Member of the League or non-member State".

The second paragraph of article 24 shall read as follows:

"The Secretary-General shall notify all the Members of the United Nations and non-member States mentioned in article 20 of any denunciations received."

In paragraph 3 of article 24, the words "High Contracting Parties" shall replace the words "Members of the League or non-member States bound by the present Convention".

Article 25 shall read as follows:

"Request for the revision of the present Convention may be made at any time by any High Contracting Party by means of a notice addressed to the Secretary-General of the United Nations. Such notice shall be communicated by the Secretary-General to the other High Contracting Parties and, if endorsed by not less than one-third of them, the High Contracting Parties agree to meet for the purpose of revising the Convention."

à un tribunal d'arbitrage constitué conformément à la Convention de La Haye du 18 octobre 1907 pour le règlement pacifique des conflits internationaux."

L'article 18 sera rédigé comme suit:

"Le Secrétaire général communiquera à tous les Membres de l'Organisation des Nations Unies, ainsi qu'aux Etats non membres mentionnés à l'article 20, toutes les déclarations et tous les avis reçus aux termes du présent article."

L'article 20 sera rédigé comme suit:

"La présente Convention est sujette à ratification. A partir du 1er janvier 1947, les instruments de ratification seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies qui en notifiera le dépôt à tous les Membres de l'Organisation des Nations Unies, ainsi qu'aux Etats non membres auxquels le Secrétaire général aura communiqué un exemplaire de la Convention."

L'article 21 sera rédigé comme suit:

"Il pourra être adhéré à la présente Convention au nom de tous les Membres de l'Organisation des Nations Unies ou de tout Etat non membre visé à l'article 20."

Au paragraphe 1 de l'article 24, les mots "la Haute Partie contractante" remplaceront les mots "le Membre de la Société des Nations ou l'Etat non membre".

L'article 24 sera rédigé comme suit:

"Le Secrétaire général notifiera à tous les Membres de l'Organisation des Nations Unies et aux Etats non membres mentionnés à l'article 20, les dénonciations ainsi requises."

Au paragraphe 3 de l'article 24, les mots "Membres de la Société des Nations et des Etats non membres qui sont liés par la présente Convention" seront remplacés par les mots "les Hautes Parties contractantes".

L'article 25 sera rédigé comme suit.

"Une demande de révision de la présente Convention pourra être formulée en tout temps, par toute Haute Partie contractante, par voie de notification adressée au Secrétaire général de l'Organisation des Nations Unies. Cette notification sera communiquée par le Secrétaire général aux Hautes Parties contractantes et, si elle est appuyée par un tiers au moins d'entre elles, les Hautes Parties contractantes s'engagent à se réunir en une conférence aux fins de révision de la convention."

(CANADA)

TREATY SERIES, 1946

No. 51

EXCHANGE OF NOTES

(September 3 and 27, 1946)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

RECORDING AN AGREEMENT FOR THE MUTUAL
INTERCHANGE OF PATENT RIGHTS IN
CONNECTION WITH RDX AND
OTHER EXPLOSIVES

Came into force September 27, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELENT MAJESTY
CONTROLLER OF STATIONERY
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SUMMARY

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**EXCHANGE OF NOTES (SEPTEMBER 3 AND 27, 1946) BETWEEN
CANADA AND THE UNITED STATES OF AMERICA RECORDING
AN AGREEMENT FOR THE MUTUAL INTERCHANGE OF PATENT
RIGHTS IN CONNECTION WITH RDX AND OTHER EXPLOSIVES.**

I

*The Acting Secretary of State of the United States of America to the
Chargé d'Affaires ad interim of Canada*

DEPARTMENT OF STATE

Washington, September 3, 1946.

Sir:

I refer to recent communications and discussions, with particular reference to two letters, one dated August 3, 1945, from Dr. Vannevar Bush, Director of the office of Scientific Research and Development, United States of America, to Dr. C. J. Mackenzie, President of The Honorary Advisory Council for Scientific and Industrial Research of Canada, the other, dated August 22, 1945, from Dr. Mackenzie to Dr. Bush, relating to the conclusion of an agreement between our two governments for the mutual interchange of patent rights in connection with RDX and other explosives. I now inform you that the Government of the United States is prepared to give effect to an agreement upon this subject in the following terms:

"Whereas, the Government of the United States of America through the Director of the Office of Scientific Research and Development, Office for Emergency Management, Executive Office of the President, and the Government of Canada, through the President of The Honorary Advisory Council for Scientific and Industrial Research of Canada, have undertaken the joint development of Explosive Compounds useful in the Allied War effort; and

"Whereas, the inventions identified in the attached Schedule A were made under the auspices of the Office of Scientific Research and Development and the Government of the United States of America has the right to grant certain licenses thereunder; and

"Whereas, the inventions identified in the attached Schedule B were made under the auspices of The Honorary Advisory Council for Scientific and Industrial Research of Canada and the Government of Canada has the right to grant certain licenses thereunder; and

"Whereas, the Governments of the respective countries desire to exchange rights thereunder;

"Now, therefore, each Government grants to the other a non-exclusive, royalty-free license to have the inventions identified in the Schedules A and B attached hereto used or manufactured by or for the Governments of the respective countries, said license to extend throughout the world.

"It is further agreed that the Schedules A and B attached hereto may be supplemented from time to time as further inventions are made and agreed upon by the contracting parties to be a part of the joint development undertaken by the respective Governments."

If an agreement in accordance with the foregoing terms is acceptable to the Government of Canada, the agreement shall be considered by the Government of the United States to have been concluded and to be in effect as of the date of a corresponding note from you indicating that the Government of Canada is prepared to accept the agreement.

Accept, Sir, the renewed assurances of my high consideration.

WILLIAM L. CLAYTON

ENCLOSURE No. 1

*Schedule A of License Interchange Agreement between the
United States of America and Canada*

United States Ser. No.	Filing Date	Canadian Ser. No.	Filing Date	Inventors
495,078	16 July 1943	515,797	27 June 1944	Bachmann
495,079	16 July 1943	515,798	27 June 1944	Bachmann
495,080	16 July 1943	515,799	27 June 1944	Bachmann
495,081	16 July 1943	516,189	12 July 1944	Johnson, Blomquist & McCrone
495,083	16 July 1943	515,897	3 July 1944	Hull
495,084	16 July 1943	515,898	3 July 1944	Guenther & Burton
495,085	16 July 1943	516,344	15 July 1944	Kistiakowsky, MacDougal & Long
495,086	16 July 1943	516,345	15 July 1944	Kistiakowsky, MacDougal, Weltman & Eyster
571,322	4 Jan. 1945	517,080	4 Aug. 1944	Bachmann, Jenner & Scott
570,804	30 Dec. 1944	525,790	20 April 1945	Blomquist & Fiedorek
570,807	30 Dec. 1944	525,793	20 April 1945	Blomquist, Fiedorek & Ryan
570,805	30 Dec. 1944	525,791	20 April 1945	Blomquist & Fiedorek
570,806	30 Dec. 1944	525,792	20 April 1945	Blomquist & Fiedorek
570,809	30 Dec. 1944	525,797	20 April 1945	Turk
570,810	30 Dec. 1944	525,795	20 April 1945	Fischer
570,808	30 Dec. 1944	525,796	20 April 1945	Kincaid & McGill
570,811	30 Dec. 1944	525,794	20 April 1945	Cason

ENCLOSURE No. 2

*Schedule B of License Interchange Agreement between the
United States of America and Canada*

Canadian Ser. No.	Filing Date	United States Ser. No.	Filing Date	Inventors
492,689	19 May 1942	444,254	23 May 1942	Schiessler & Ross
516,455	19 July 1944	495,082	16 July 1943	Wright, Richmond & Downing
521,950	2 Jan. 1945	570,812	30 Dec. 1944	Wright & Winkler
516,454	19 July 1944	560,704	27 Oct. 1944	Wright & Chute
521,949	2 Jan. 1945	570,813	30 Dec. 1944	Wright & Chute
521,948	2 Jan. 1945	570,814	30 Dec. 1944	Wright & Chute
		560,353	25 Oct. 1944	Wright et al

II

*The Canadian Ambassador to the Acting Secretary of State
of the United States of America*

CANADIAN EMBASSY

Washington, September 27, 1946.

No. 345.

Sir,

I have the honour to refer to your note of September 3, 1946, proposing an Agreement which the Government of the United States of America is prepared to make with the Government of Canada for the mutual interchange of patent rights in connection with RDX and other explosives.

Under instructions from my Government I have the honour to inform you in reply that the Canadian Government undertakes to give effect to the Agreement set forth in your note and understands that the Agreement will come into force as of the date of this note, namely, September 27, 1946.

Accept, Sir, the renewed assurance of my highest consideration.

L. B. PEARSON

CANADA .

TREATY SERIES, 1946

No. 52

CONVENTION (No. 80)

FOR THE PARTIAL REVISION OF THE CONVENTIONS
ADOPTED BY THE
GENERAL CONFERENCE
OF THE INTERNATIONAL LABOUR ORGANISATION
AT ITS FIRST TWENTY-EIGHT SESSIONS

Adopted at Montreal, October 9, 1946

(This Convention has not yet been ratified by Canada)

RECUEIL DES TRAITÉS 1946

N° 52

CONVENTION (No 80)

POUR LA REVISION PARTIELLE DES CONVENTIONS
ADOPTÉES PAR LA
CONFÉRENCE GÉNÉRALE DE L'ORGANISATION
INTERNATIONALE DU TRAVAIL
EN SES VINGT-HUIT PREMIÈRES SESSIONS

Adoptée à Montréal le 9 octobre 1946

(Cette Convention n'a pas encore été ratifiée par le Canada)



OTTAWA

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1947

CONVENTION (No. 80) FOR THE PARTIAL REVISION OF THE CONVENTIONS ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS FIRST TWENTY-EIGHT SESSIONS FOR THE PURPOSE OF MAKING PROVISION FOR THE FUTURE DISCHARGE OF CERTAIN CHANCERY FUNCTIONS ENTRUSTED BY THE SAID CONVENTIONS TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS AND INTRODUCING THEREIN CERTAIN FURTHER AMENDMENTS CONSEQUENTIAL UPON THE DISSOLUTION OF THE LEAGUE OF NATIONS AND THE AMENDMENT OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION.

ADOPTED AT MONTREAL, OCTOBER 9, 1946

The General Conference of the International Labour Organisation, Having been convened at Montreal by the Governing Body of the International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Conventions adopted by the Conference at its first twenty-eight sessions for the purpose of making provision for the future discharge of certain chancery functions entrusted by the said Conventions to the Secretary-General of the League of Nations and introducing therein certain further amendments consequential upon the dissolution of the League of Nations and the amendment of the Constitution of the International Labour Organisation, a question which is included in the second item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention,

adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Convention which may be cited as the Final Articles Revision Convention, 1946:

Article 1

1. In the texts of the Conventions adopted by the International Labour Conference in the course of its first twenty-five sessions the words "the Director-General of the International Labour Office" shall be substituted for the words "the Secretary-General of the League of Nations", the words "the Director-General" shall be substituted for the words "the Secretary-General", and the words "the International Labour Office" shall be substituted for the words "the Secretariat" in all passages where these various expressions respectively occur.

2. The registration by the Director-General of the International Labour Office of the ratifications of Conventions and amendments, acts of denunciation, and declarations provided for in the Conventions adopted by the Conference in the course of its first twenty-five sessions shall have the same force and effect for all purposes as the registration of such ratifications, acts of denunciation and declarations by the Secretary-General of the League of Nations in accordance with the terms of the original texts of the said Conventions.

CONVENTION (N° 80) POUR LA REVISION PARTIELLE DES CONVENTIONS ADOPTÉES PAR LA CONFÉRENCE GÉNÉRALE DE L'ORGANISATION INTERNATIONALE DU TRAVAIL EN SES VINGT-HUIT PREMIÈRES SESSIONS, EN VUE D'ASSURER L'EXERCICE FUTUR DE CERTAINES FONCTIONS DE CHANCELLERIE CONFIÉES PAR LESDITES CONVENTIONS AU SECRÉTAIRE GÉNÉRAL DE LA SOCIÉTÉ DES NATIONS ET D'Y APPORTER DES AMENDEMENTS COMPLÉMENTAIRES NÉCESSITÉS PAR LA DISSOLUTION DE LA SOCIÉTÉ DES NATIONS ET PAR L'AMENDEMENT DE LA CONSTITUTION DE L'ORGANISATION INTERNATIONALE DU TRAVAIL.

ADOPTÉE À MONTRÉAL LE 9 OCTOBRE 1946

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Montréal par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 19 septembre 1946, en sa vingt-neuvième session,

Après avoir décidé d'adopter certaines propositions relatives à la revision partielle des conventions adoptées par la Conférence en ses vingt-huit premières sessions, en vue d'assurer l'exercice futur de certaines fonctions de chancellerie confiées par lesdites conventions au Secrétaire général de la Société des Nations et d'y apporter certains amendements complémentaires nécessités par la dissolution de la Société des Nations, et par l'amendement de la Constitution de l'Organisation internationale du Travail, question qui est comprise dans le deuxième point à l'ordre du jour de la session,

Considérant que ces propositions doivent prendre la forme d'une convention internationale,

adopte, ce neuvième jour d'octobre mil neuf cent quarante-six, la convention ci-après, qui sera dénommée Convention portant révision des articles finals, 1946.

Article 1

1. Dans le texte des conventions adoptées par la Conférence internationale du Travail au cours de ses vingt-cinq premières sessions, les mots "Secrétaire général de la Société des Nations" sont remplacés par les mots "Directeur général du Bureau international du Travail", les mots "Secrétaire général" par les mots "Directeur général" et le mot "Secrétariat" par les mots "Bureau international du Travail", dans tous les passages où figurent ces différentes expressions.

2. L'enregistrement par le Directeur général du Bureau international du Travail des ratifications de conventions et amendements, des actes de dénonciation et des déclarations prévus dans les conventions adoptées par la Conférence au cours de ses vingt-cinq premières sessions aura les mêmes effets que l'enregistrement desdites ratifications, desdits actes de dénonciation et desdites déclarations qui aurait été effectué par le Secrétaire général de la Société des Nations conformément aux dispositions des textes originaux desdites conventions.

3. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, acts of denunciation and declarations registered by him in accordance with the provisions of the Conventions adopted by the Conference at its first twenty-five sessions as amended by the foregoing provisions of this Article.

Article 2

1. The words "of the League of Nations" shall be deleted from the first paragraph of the Preamble of each of the Conventions adopted by the Conference in the course of its first eighteen sessions.

2. The words "in accordance with the provisions of the Constitution of the International Labour Organisation" shall be substituted for the words "in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace" and the variants thereof contained in the Preambles of the Conventions adopted by the Conference in the course of its first seventeen sessions.

3. The words "under the conditions set forth in the Constitution of the International Labour Organisation" shall be substituted for the words "under the conditions set forth in Part XIII of the Treaty of Versailles and the corresponding Parts of the other Treaties of Peace" or any variant thereof in all articles of the Conventions adopted by the Conference in the course of its first twenty-five sessions in which the latter words or any variant thereof occur.

4. The words "Article 22 of the Constitution of the International Labour Organisation" shall be substituted for the words "Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace" or any variant thereof in all articles of the Conventions adopted by the Conference in the course of its first twenty-five sessions in which the latter words or any variant thereof occur.

5. The words "Article 35 of the Constitution of the International Labour Organisation" shall be substituted for the words "Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace" in all articles of the Conventions adopted by the Conference in the course of its first twenty-five sessions in which the latter words or any variant thereof occur.

6. The word "Draft" shall be omitted from the expression "Draft Convention" in the Preambles of the Conventions adopted by the Conference in the course of its first twenty-five sessions and in all articles of the said Conventions in which the said expression occurs.

7. The title "Director-General" shall be substituted for the title "Director" in all articles of the Conventions adopted by the Conference in the course of its twenty-eighth session which refer to the Director of the International Labour Office.

8. In each of the Conventions adopted by the Conference in the course of its first seventeen sessions there shall be included in the Preamble the words "which may be cited as" together with the short title currently used by the International Labour Office for the Convention in question.

9. In each of the Conventions adopted by the Conference in the course of its first fourteen sessions all unnumbered paragraphs of articles containing more than one paragraph shall be consecutively numbered.

3. Le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, pour enregistrement conformément à l'article 102 de la Charte des Nations Unies, tous renseignements relatifs à ces ratifications et à ces actes de dénonciation et déclarations, enregistrés par lui conformément aux dispositions des conventions adoptées par la Conférence en ses vingt-cinq premières sessions, telles qu'elles sont modifiées par les dispositions précédentes du présent article.

Article 2

1. Les mots "de la Société des Nations" sont supprimés au premier alinéa du préambule de chacune des conventions adoptées par la Conférence au cours de ses dix-huit premières sessions.

2. Les mots "conformément aux dispositions de la Partie XIII du Traité de Versailles et des Parties correspondantes des autres Traités de Paix" et les variantes de cette formule, figurant dans les préambules des conventions adoptées par la conférence au cours de ses dix-sept premières sessions, sont remplacés par les mots "conformément aux dispositions de la Constitution de l'Organisation internationale du Travail".

3. Les mots "dans les conditions prévues à la Partie XIII du Traité de Versailles et aux Parties correspondantes des autres Traités de Paix" et toutes variantes de cette formule sont remplacés, dans tous les articles des conventions adoptées par la Conférence au cours de ses vingt-cinq premières sessions où figurent ces mots ou variantes par les mots "dans les conditions établies par la Constitution de l'Organisation internationale du Travail".

4. Les mots "l'article 408 du Traité de Versailles et les articles correspondants des autres Traités de Paix" et toutes variantes de cette formule sont remplacés, dans tous les articles des conventions adoptées par la Conférence au cours de ses vingt-cinq premières sessions où figurent ces mots ou variantes, par les mots "l'article 22 de la Constitution de l'Organisation internationale du Travail".

5. Les mots "l'article 421 du Traité de Versailles et les articles correspondants des autres Traités de Paix" et toutes variantes de cette formule sont remplacés dans tous les articles des conventions adoptées par la Conférence au cours de ses vingt-cinq premières sessions où figurent ces mots, par les mots "l'article 35 de la Constitution de l'Organisation internationale du Travail".

6. Le mot "convention" est substitué aux mots "projet de convention" dans le préambule des conventions adoptées par la Conférence au cours de ses vingt-cinq premières sessions et dans tous les articles où figure cette expression.

7. Le titre de "Directeur général" sera substitué au titre de "Directeur" dans tous les articles des conventions adoptées par la Conférence à sa vingt-huitième session qui font mention du Directeur du Bureau international du Travail.

8. Dans toute convention adoptée par la Conférence au cours de ses dix-sept premières sessions les mots "qui sera dénommée" seront insérés au préambule et suivis du titre abrégé employé par le Bureau international du Travail pour désigner la convention dont il s'agit.

9. Dans toute convention adoptée par la Conférence au cours de ses quatorze premières sessions tous les paragraphes non numérotés d'articles contenant plus d'un paragraphe seront numérotés.

Article 3

Any Member of the Organisation which, after the date of the coming into force of this Convention, communicates to the Director-General of the International Labour Office its formal ratification of any Convention adopted by the Conference in the course of its first twenty-eight sessions shall be deemed to have ratified that Convention as modified by this Convention.

Article 4

Two copies of this Convention shall be authenticated by the signature of the President of the Conference and of the Director-General of the International Labour Office. Of these copies one shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of this Convention to each of the Members of the International Labour Organisation.

Article 5

1. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office.

2. The Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been received by the Director-General.

3. On the coming into force of this Convention and on the subsequent receipt of further ratifications of the Convention, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

4. Each Member of the Organisation which ratifies this Convention thereby recognises the validity of any action taken thereunder during the interval between the first coming into force of the Convention and the date of its own ratification.

Article 6

On the first coming into force of this Convention the Director-General of the International Labour Office shall cause official texts of the Conventions adopted by the Conference in the course of its first twenty-eight sessions as modified by the provisions of this Convention to be prepared in two original copies, duly authenticated by his signature, one of which shall be deposited in the archives of the International Labour Office and one of which shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations; the Director-General shall communicate certified copies of these texts to each of the Members of the Organisation.

Article 7

Notwithstanding anything contained in any of the Conventions adopted by the Conference in the course of its first twenty-eight sessions, the ratification of this Convention by a Member shall not, *ipso jure*, involve the denunciation of any such Convention, nor shall the entry into force of this Convention close any such Convention to further ratification.

Article 8

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall, *ipso jure*, involve the denunciation of this Convention if and when the new revising Convention shall have come into force;

Article 3

Tout Membre de l'Organisation qui, après la date de l'entrée en vigueur de la présente convention, communiquera au Directeur général du Bureau international du Travail sa ratification formelle d'une convention adoptée par la Conférence au cours de ses vingt-huit premières sessions sera censé avoir ratifié cette convention telle qu'elle a été modifiée par la présente convention.

Article 4

Deux exemplaires de la présente convention seront signés par le Président de la Conférence et par le Directeur général du Bureau international du Travail. L'un de ces exemplaires sera déposé aux archives du Bureau international du Travail, l'autre entre les mains du Secrétaire général des Nations Unies pour enregistrement conformément à l'article 102 de la Charte des Nations Unies. Le Directeur général communiquera une copie certifiée conforme de la présente convention à chacun des Membres de l'Organisation internationale du Travail.

Article 5

1. Les ratifications formelles de la présente convention seront communiquées au Directeur général du Bureau international du Travail.

2. La présente convention entrera en vigueur à la date où les ratifications de deux Membres de l'Organisation internationale du Travail auront été reçues par le Directeur général.

3. Dès la date d'entrée en vigueur de la présente convention ainsi que dès la réception subséquente de nouvelles ratifications de la présente convention, le Directeur général du Bureau international du Travail notifiera ce fait à tous les Membres de l'Organisation internationale du Travail et au Secrétaire général des Nations Unies.

4. Tout Membre de l'Organisation qui ratifie la présente convention reconnaît par cela même la validité de toute action entreprise en vertu de la présente convention dans l'intervalle compris entre la première entrée en vigueur de la convention et la date de sa propre ratification.

Article 6

Dès l'entrée en vigueur initiale de la présente convention, le Directeur général du Bureau international du Travail fera établir des textes officiels des conventions adoptées par la Conférence au cours de ses vingt-huit premières sessions, telles qu'elles ont été modifiées par les dispositions de la présente convention, en deux exemplaires originaux, dûment signés par lui, dont l'un sera déposé aux archives du Bureau international du Travail et l'autre entre les mains du Secrétaire général des Nations Unies pour enregistrement conformément à l'article 102 de la Charte des Nations Unies; le Directeur général communiquera des copies certifiées conformes de ces textes à chacun des Membres de l'Organisation.

Article 7

Nonobstant toute disposition figurant dans une des conventions adoptées par la Conférence au cours de ses vingt-huit premières sessions, la ratification de la présente convention par un Membre n'entraînera pas de plein droit la dénonciation d'une quelconque desdites conventions, et l'entrée en vigueur de la présente convention n'aura pas pour effet de fermer aucune desdites conventions à de nouvelles ratifications.

Article 8

1. Au cas où la Conférence adopterait une nouvelle convention portant révision totale ou partielle de la présente convention et à moins que la nouvelle convention n'en dispose autrement:

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its present form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 9

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Twenty-ninth Session which was held at Montreal and declared closed the ninth day of October 1946.

IN FAITH WHEREOF we have appended our signatures this first day of November 1946.

The President of the Conference,

HUMPHREY MITCHELL.

*The Director-General of the
International Labour Office,*

EDWARD PHELAN.

- a) la ratification par un Membre de la nouvelle convention entraînerait de plein droit dénonciation de la présente convention, sous réserve que la nouvelle convention portant révision soit entrée en vigueur;
- b) à partir de la date d'entrée en vigueur de la nouvelle convention portant révision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant révision.

Article 9

Les versions française et anglaise de la présente convention font également foi.

Le texte qui précède est le texte authentique de la convention dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa vingt-neuvième session qui s'est tenue à Montréal et qui a été déclarée close le neuf octobre 1946.

EN FOI DE QUOI ont apposé leurs signatures, ce premier jour de novembre 1946.

*Le Président de la Conférence,
HUMPHREY MITCHELL.*

*Le Directeur général du Bureau
international du Travail,
EDWARD PHELAN.*

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Canada. External Affairs Dept.

(CANADA)

TREATY SERIES, 1946

No. 53

EXCHANGE OF NOTES

(December 3 and December 30, 1946)

BETWEEN

CANADA AND THE NETHERLANDS

REGARDING

COMPENSATION FOR WAR DAMAGE

Effective December 30, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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**EXCHANGE OF NOTES (DECEMBER 3 AND DECEMBER 30 1946)
BETWEEN CANADA AND THE NETHERLANDS, REGARDING
COMPENSATION FOR WAR DAMAGE.**

I

*The Netherlands Minister to Canada
to the Secretary of State for External Affairs*

NETHERLANDS LEGATION

OTTAWA, December 3, 1946.

Sir,

I have the honour to refer to the third unanimous resolution adopted by the Conference on Reparation, held in December 1945, in Paris, which was signed on December 21, 1945. This resolution, as you will no doubt remember, is worded as follows:

3. Equality of Treatment regarding Compensation for War Damage.

The Conference unanimously resolves that, in the administration of reconstruction or compensation benefits for war damage to property, the treatment accorded by each Signatory Government to physical persons who are nationals of any other Signatory Government, so far as they have not been compensated after the war for the same property under any other form or on any other occasion, shall be in principle not less favourable than that which the Signatory Government accords to its own nationals. In view of the fact that there are many special problems of reciprocity related to this principle, it is recognized that in certain cases the actual implementation of the principle cannot be achieved except through special agreements between Signatory Governments.

My Government has now instructed me to inform the Canadian Government of their readiness, in principle, to treat Canadian citizens and institutions or corporations under Canadian jurisdiction, in respect of compensation of war damage to property situated in the Netherlands, on the same basis as Netherlands nationals, institutions and corporations. This readiness of the Netherlands Government is based on the above-mentioned resolution which pre-supposes reciprocity and is therefore subject to an undertaking by the Canadian Government to extend to Netherlands nationals and Netherlands institutions and corporations the same facilities of compensation for war damage as they make or have made applicable to Canadian nationals.

My Government regrets to point out that the undertaking with respect to national treatment cannot, at the present moment, be understood to apply to territories in the Netherlands East Indies because no decision has as yet been taken by the Netherlands East Indies Government. My Government, however, wishes to express the hope, that a similar arrangement will soon be possible in respect of the Netherlands East Indies.

Accept, Sir, the renewed assurances of my highest consideration.

SNOUCK HURGRONJE

II

*The Secretary of State for External Affairs
to the Netherlands Minister to Canada*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, December 30, 1946.

No. 126

Excellency,

I have the honour to acknowledge receipt of your note of the 3rd December regarding compensation for war damage.

2. The Canadian Government is pleased to note the readiness of the Netherlands Government to treat Canadian citizens and institutions or corporations under Canadian jurisdiction, in respect of compensation for war damage to property situated in the Netherlands, on the same basis as Netherlands nationals, institutions and corporations.

3. In accordance with the resolution adopted by the Reparations Conference held in Paris in December, 1945, this treatment is "subject to an undertaking by the Canadian Government to extend to Netherlands nationals and Netherlands institutions and corporations the same facilities of compensation for war damage as they make or have made applicable to Canadian nationals". The Canadian Government is pleased to give this undertaking but I must point out that because there was, fortunately, no war damage to property in Canada there are no provisions for compensation for war damage to property in Canada.

4. It is noted that the undertaking of the Netherlands Government does not at the present moment apply to the Netherlands East Indies but that a similar arrangement may soon be possible in respect of the Netherlands East Indies.

5. Unless you wish an agreement in some other form, I am willing to consider your note and this reply as placing on record the agreement between our two governments on the subject of national treatment for war damage compensation.

Accept, Excellency, the renewed assurances of my highest consideration.

R. M. MACDONNELL,
*For the Secretary of State
for External Affairs.*

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Canada. External Affairs Dept.

(CANADA)

TREATY SERIES, 1946
No. 54

ACTS

OF THE

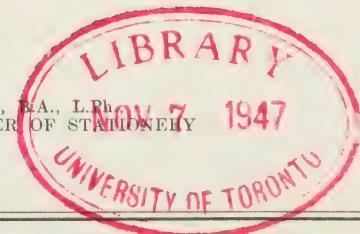
INTERNATIONAL WHALING
CONFERENCE

Held in Washington

From November 20 to December 2, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., LL.B.
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ACTS OF THE INTERNATIONAL WHALING CONFERENCE

Signed at Washington, December 2, 1946

I

FINAL ACT

The Governments of Argentina, Australia, Brazil, Canada, Chile, Denmark, France, Netherlands, New Zealand, Norway, Peru, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and the United States of America, represented by plenipotentiary delegations; and the Governments of Iceland, Ireland, Portugal, Sweden, and the Union of South Africa, represented by observer delegations;

Having accepted the invitation extended to them by the Government of the United States of America to participate in an International Whaling Conference;

Appointed their respective representatives, who are listed below by countries in the order of alphabetical precedence:

(Here follow the names of the representatives)

The Conference met at Washington on November 20, 1946, under the Temporary Chairmanship of Remington Kellogg, Chairman of the Delegation of the United States of America.

At the opening session a motion was unanimously adopted to extend an invitation for officers of the Secretariat of the Food and Agricultural Organization of the United Nations to attend the Conference sessions and committee meetings as observers. The attendance in this capacity of the officers nominated by the Organization, D. B. Finn, Harry Winsor, and H. V. Knight, was approved by the Conference, on the recommendation of the Committee on Credentials.

With the approval of the President of the United States of America, Clarke L. Willard, Acting Chief of the Division of International Conferences, Department of State of the United States, was designated as Secretary General of the Conference, and Donald J. Chaney, Chief Counsel, Fish and Wildlife Service, Department of the Interior of the United States, was designated Technical Secretary of the Conference.

Remington Kellogg, Chairman of the Delegation of the United States of America, was elected Permanent Chairman of the Conference at the second session, held on November 20, 1946, and Ira N. Gabrielson, Member of the Delegation of the United States of America, was elected Vice Chairman of the Conference at the same session.

The general committees established by the Rules of Procedure adopted provisionally at the opening session were constituted by the Temporary Chairman as follows:

COMMITTEE ON CREDENTIALS

(Here follow the names of members of the Committee)

COMMITTEE ON NOMINATIONS

(.....)

The following technical committees were appointed by the Chairman:

COMMITTEE ON NETHERLANDS PROPOSAL

(.....)

COMMITTEE ON DRAFTING

(.....)

COMMITTEE ON PENALTIES AND FORFEITURE

(.....)

COMMITTEE ON BIOLOGICAL DATA

(.....)

COMMITTEE ON REMUNERATION OF GUNNERS

(.....)

COMMITTEE ON ESTABLISHMENT OF WHALING COMMISSION

(.....)

COMMITTEE ON USE OF SCIENTIFIC NAMES

(.....)

COMMITTEE ON FACTORY SHIPS WITHIN TERRITORIAL WATERS

(.....)

The final session was held on December 2, 1946.

As a result of the deliberations of the Conference, the following instruments were formulated and opened for signature on December 2, 1946, to remain open for fourteen days thereafter:

International Convention for the Regulation of Whaling

Protocol for the Regulation of Whaling

(hereinafter referred to as the Convention and the Protocol, respectively).

The following resolutions and recommendations were adopted:

I

The International Whaling Conference

Resolves:

1. To express its gratitude to the President of the United States of America, Harry S. Truman, for his initiative in convening the present Conference and for its preparation;
2. To express to its Chairman, Remington Kellogg, its deep appreciation for the admirable manner in which he has guided the Conference;
3. To express to the officers and staff of the Secretariat its appreciation for their untiring services and diligent efforts in contributing to the attainment of the objectives of the Conference.

II

The International Whaling Conference

Resolves:

That the Government of the United States of America be authorized to publish the Final Act of this Conference, the text of the Convention and of the Protocol, and to make available for publication such additional documents in connection with the work of this Conference as in its judgment may be considered in the public interest.

III

The International Whaling Conference

Resolves:

That all Signatory Governments should draw the attention of their inspectors and of the whaling companies operating under their jurisdiction to previous cases of taking baleen whales in the closed season on the pretext of providing fenders for the bunkering of whale catchers. The Conference desires to emphasize that this practice constitutes an infringement of paragraph 7 of the Schedule annexed to the Convention and recommends that if it is desired to send whale catchers long distances in the open sea before the commencement of or after the end of the whaling season, suitable arrangements must be made for bunkering them without the use of carcasses of baleen whales.

IV

The International Whaling Conference

Recommends:

That the chart of Nomenclature of Whales* annexed to this Final Act be accepted as a guide by the Governments represented at the Conference.

V

The International Whaling Conference

Recommends:

That the International Whaling Commission provided for in Article III of the Convention (hereinafter referred to as the Commission) should review the prohibition on the use of factory ships, or whale catchers attached thereto, for the purpose of taking humpback whales in any waters south of 40° South Latitude after taking into consideration the biological and other data available and consider the desirability of either the removal of the prohibition after the 1948-49 season and the southern winter season of 1949 or alternatively a limitation of the number of humpback whales to be taken both in the Antarctic and tropical areas.

VI

The International Whaling Conference

Recommends:

That the Commission should keep under constant review the question of the limits of the Antarctic whaling season and also the maximum number of blue-whale units as defined by paragraph 8 (b) of the Schedule permitted to be taken during the season.

* Not reproduced herewith.

VII

The International Whaling Conference

Considers:

That the conditions relating to the use of factory ships within territorial waters of Contracting Governments as provided by paragraph 17 of the Schedule should be kept under review by the Commission so as to ensure that these operations are conducted on an economic basis.

VIII

The International Whaling Conference

Recommends:

That when adequate information becomes available concerning the migration routes and seasons in localities where land stations are maintained and operated, specific annual open periods for whaling should be prescribed instead of the regulation included in the Schedule as paragraph 10. It is the view of the Conference that the Commission should endeavor to obtain at the earliest possible time scientific information as a basis for prescribing specific seasons during which land stations shall be permitted to operate in the various areas.

IX

At the request of the Delegation of the Union of Soviet Socialist Republics, the following statements are included:

1. Owing to unforeseen circumstances the Soviet factory ship will be unable to reach the whaling grounds by the commencement of the 1946-47 season in waters south of 40° South Latitude. Accordingly the Delegation of the Union of Soviet Socialist Republics requests that this ship be permitted to operate with a full complement of catchers for a continuous period of four months from the date on which it is able to commence operations in that area. Note is made that a similar concession was made to other governments for the season 1945-46.

2. The Delegation of the Union of Soviet Socialist Republics also requests that the factory ship be permitted to conduct operations in that area for the four-month period during the season 1946-47 without regard to the sixteen thousand blue-whale unit catch limitation.

The Conference supports these requests and considers them justified in the special circumstances. It is understood that support by the Conference of these requests shall not be regarded as a precedent for future seasons.

X

The International Whaling Conference

Supports

and considers justified the request of the Delegation of the Union of Soviet Socialist Republics that the taking of gray whales in the Bering and Chukotsk seas should be permitted when the meat and products of such whales are to be used exclusively for local consumption by the aborigines of the Chukotsk and Korjaksk areas.

XI

The International Whaling Conference

Recognizes:

The desirability of achieving a large measure of uniformity among the various Contracting Governments with respect to the nature and severity of penalties imposed, for contraventions of the Convention, upon persons or ships operating under their jurisdiction. It recognizes that even under the most favorable management and with the most conscientious and experienced gunners and crews, it is inevitable that some whales will be taken illegally and that a certain latitude should be allowed in assessing penalties for such unavoidable taking. It may be that legal and administrative differences among the Contracting Governments will prevent the adoption of a uniform system of penalties, but it is the view of the Conference that it is desirable that the Governments should provide for the imposition of penalties sufficiently severe to discourage the illegal killing or taking of whales.

The Conference accordingly recommends that the Commission should study the reports regarding infractions made to them in accordance with the provisions of Article IX, paragraph 4, of the Convention, with a view to making recommendations to Governments as provided for in Article VI of the Convention for the purpose of achieving the greatest possible uniformity in the penalties imposed for contraventions of the Convention.

IN WITNESS WHEREOF, the following representatives sign this Final Act.

DONE in Washington, this second day of December, 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other Governments represented at the Conference.

(Here follow the names of the representatives of Argentina, Australia, Brazil, Canada, Chile, Denmark, France, the Netherlands, New Zealand, Norway, Peru, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, together with the names of the observers for Iceland, Ireland, Portugal, Sweden, the Union of South Africa.)

ADDENDUM

As a result of the discussion of certain matters raised at the Conference, the Netherlands Delegate invited the Conference to include in its Final Act a resolution in the following terms:

"The Conference recommends that in the interest of effective conservation and development of whale stocks the Governments represented at the Conference refrain from taking any measures which might prevent any country adhering to the principles of the international whaling agreements from ratifying or entering into the international regulations for the preservation of whale stocks."

This resolution was, however, defeated by nine votes to three, some delegates disagreeing with the substance of the resolution and others considering that it contained implications outside the purview of the conference. At the express request of the Netherlands Delegate these facts are recorded in this addendum to the Final Act.

II

INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

Considering that the history of whaling has seen over-fishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further overfishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the numbers of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing wide-spread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling signed in London on June 8, 1937, and the protocols to that Agreement signed in London on June 24, 1938, and November 26, 1945; and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:

ARTICLE I

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.

2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments, and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

ARTICLE II

As used in this Convention

1. "factory ship" means a ship in which or on which whales are treated whether wholly or in part;

2. "land station" means a factory on the land at which whales are treated whether wholly or in part;

3. "whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

ARTICLE III

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.

2. The Commission shall elect from its own members a Chairman and Vice-Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.

3. The Commission may appoint its own Secretary and staff.

4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.

5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.

6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.

7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.

8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

ARTICLE IV

1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently

- (a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;
- (b) collect and analyse statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;
- (c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.

2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

ARTICLE V

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; and (h) catch returns and other statistical and biological records.

2. These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.

3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.

4. No amendments shall become effective before July 1, 1949.

ARTICLE VI

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

ARTICLE VII

The Contracting Governments shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

ARTICLE VIII

1. Notwithstanding anything contained in this Convention, any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.

2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.

3. Each Contracting Government shall transmit to such body as may be designated by the Commission, insofar as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.

4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

ARTICLE IX

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.

2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.

3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offence.

4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

ARTICLE X

1. This Convention shall be ratified and the instruments of ratification shall be deposited with the Government of the United States of America.

2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.

3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to July 1, 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to July 1, 1949.

ARTICLE XI

Any Contracting Government may withdraw from this Convention on June thirtieth of any year by giving notice on or before January first of the same year to the depositary Government, which upon receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depositary Government, give notice of withdrawal, so that the Convention shall cease to be in force on June thirtieth of the same year with respect to the Government giving such notice of withdrawal.

This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention.

DONE in Washington this second day of December, 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

(Here follow the names of the representatives of Argentina, Australia, Brazil, Canada, Chile, Denmark, France, the Netherlands, New Zealand, Norway, Peru, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Union of South Africa.)

SCHEDULE

1. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.
- (b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.
2. It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.
3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

4. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any of the following areas:

- (a) in the waters north of 66° North Latitude except that from 150° East Longitude eastward as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;
- (b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;
- (c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;
- (d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;
- (e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

5. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude.

6. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° South Latitude.

- 7. (a) It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any waters south of 40° South Latitude, except during the period from December 15 to April 1 following, both days inclusive.
- (b) Notwithstanding the above prohibition of treatment during a closed season, the treatment of whales which have been taken during the open season may be completed after the end of the open season.

- 8. (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed sixteen thousand blue-whale units.
- (b) For the purposes of subparagraph (a) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:
 - (1) two fin whales or
 - (2) two and a half humpback whales or
 - (3) six sei whales.
- (c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government.
- (d) If it should appear that the maximum catch of whales permitted by sub-paragraph (a) of this paragraph may be reached before April 1 of any year, the Commission, or such other body as the Commission may designate, shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify each Contracting Government of that date not less than two weeks in advance thereof.

The taking of baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9. It is forbidden to take or kill any blue, fin, sei, humpback, or sperm whales below the following lengths:

(a) blue whales.....	70 feet (21·3 meters)
(b) fin whales.....	55 feet (16·8 meters)
(c) sei whales.....	40 feet (12·2 meters)
(d) humpback whales.....	35 feet (10·7 meters)
(e) sperm whales.....	35 feet (10·7 meters)

except that blue whales of not less than 65 feet (19·8 meters), fin whales of not less than 50 feet (15·2 meters), and sei whales of not less than 35 feet (10·7 meters) in length may be taken for delivery to land stations provided that the meat of such whales is to be used for local consumption as human or animal food.

Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure shall be logged to the nearest foot: that is to say, any whale between 75' 6" and 76' 6" shall be logged as 76', and any whale between 76' 6" and 77' 6" shall be logged as 77'. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g. 76' 6" precisely, shall be logged as 77'.

10. It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any area or in any waters for more than six months in any period of twelve months, such period of six months to be continuous.

11. It is forbidden to use a factory ship, which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season.

12. (a) All whales taken shall be delivered at the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(b) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13. The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is taken up on to the deck of the factory ship for treatment. All whale catchers engaged in taking whales must report by radio to the factory ship the time when each whale is caught.

14. Gunners and crews of factory ships, land stations, and whale catchers shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size, and yield of whales taken, and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified:

- (a) the name and gross tonnage of each factory ship;
- (b) the number and aggregate gross tonnage of the whale catchers;
- (c) a list of the land stations which were in operation during the period concerned.

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

- (a) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;
- (b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

18. The following expressions have the meanings respectively assigned to them, that is to say:

- "baleen whale" means any whale other than a toothed whale;
- "blue whale" means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom;
- "fin whale" means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale;
- "sei whale" means any whale known by the name of *Balaenoptera borealis*, sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale, and shall be taken to include *Balaenoptera brydei*, Bryde's whale;
- "gray whale" means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back, rip sack;

"humpback whale" means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale, or hunch-backed whale;

"right whale" means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland rightwhale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale;

"sperm whale" means any whale known by the name of sperm whale, spermacet whale, cachalot, or pot whale;

"Dauhval" means any unclaimed dead whale found floating.

III

PROTOCOL FOR THE REGULATION OF WHALING

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the necessity of an early decision regarding the regulations to be made applicable to the whaling season of 1947-48;

Having due regard both to the world shortage of oil and fats and to the necessity for the conservation of the whale stock;

Agree as follows:

ARTICLE I

All the provisions of the Protocol for the Regulation of Whaling signed in London on November 26, 1945 shall be made applicable as if in the said Protocol the words "season 1947-48" were substituted for the words "season 1946/47" and the words "1 May, 1948 to 31 October, 1948" were substituted for the words "1st May, 1947, to 31st October, 1947".

ARTICLE II

This Protocol shall come into force when notifications of acceptance thereof shall have been given to the Government of the United States of America by all Governments parties to the Protocol of November 26, 1945.

This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

DONE in Washington this second day of December, 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

(Here follow the names of the representatives of Argentina, Australia, Brazil, Canada, Chile, Denmark, France, the Netherlands, New Zealand, Norway, Peru, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Union of South Africa).

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CANADA

TREATY SERIES, 1946

No. 55

AGREEMENT

BETWEEN

CANADA AND CZECHOSLOVAKIA

AMENDING

THE FINANCIAL AGREEMENT

SIGNED BETWEEN THE TWO COUNTRIES

MARCH 1, 1945,

AS AMENDED BY AN AGREEMENT

SIGNED JUNE 26, 1945

Signed at Ottawa, June 28, 1946

Effective June 28, 1946



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
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**AGREEMENT BETWEEN CANADA AND CZECHOSLOVAKIA AMENDING
THE FINANCIAL AGREEMENT SIGNED BETWEEN THE TWO
COUNTRIES MARCH 1, 1945, AS AMENDED BY AN AGREEMENT
SIGNED JUNE 26, 1945.**

AGREEMENT ENTERED INTO AT OTTAWA,
THIS 28th DAY OF JUNE, 1946.

BETWEEN:

THE MINISTER OF FINANCE OF CANADA,
hereinafter referred to as "the Minister",

of the first part,

and

THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC
represented by its Envoy Extraordinary and Minister Plenipotentiary to Canada, Dr. Frantisek Pavlasek,

of the second part:

WHEREAS by an agreement, dated March 1, 1945, as amended by an agreement dated June 26, 1945 (hereinafter called the Principal Agreement)* the Government of Canada agreed to give a credit to the Government of the Czechoslovak Republic in an amount not exceeding Nineteen Million Dollars (\$19,000,000);

WHEREAS the principal Agreement provided that the credit might be used within a period of twelve months commencing on the day of the first payment;

WHEREAS the Government of the Czechoslovak Republic has requested that the period within which the credit may be used shall be extended for an additional period of twelve months; and

WHEREAS by order in council, P.C. 2665 dated June 28, 1946, the Minister of Finance has been duly authorized to enter into an agreement with the Government of the Czechoslovak Republic extending the period within which the credit may be used for an additional period of twelve months.

NOW, THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto covenant and agree with each other as follows:—

1. The principal Agreement is hereby amended by striking out the words "twelve months" and "twelve-months" wherever they occur in the principal Agreement and substituting therefor "twenty-four months".

IN WITNESS WHEREOF the parties hereto have caused these presents to be signed on the day and in the year first above written.

WITNESS:

D. M. JOHNSON.

J. L. ILSLEY,

The Minister of Finance of Canada.

K. M. SAKH.

FRANTISEK PAVLASEK,

for the Government of the Czechoslovak Republic.

*For the text of the Agreement of March 1, 1945, see *Canada Treaty Series, 1945*, No. 25; for the text of the Agreement of June 26, 1945, see *Canada Treaty Series, 1945*, No. 29.

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Protocol (Washington) to prolong the International Sanitary Convention for Aerial Navigation 1944, modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933.....	Apr. 23, 1946	Not required	24
Signed by Canada.....	Apr. 25, 1946		
Agreement (St. John's, London) between Canada, Newfoundland and the United Kingdom respecting defence installations in Newfoundland.....	Apr. 8, May 3, 1946	Not required	15
Acts of the International Health Conference held at New York from June 19 to July 22, 1946.....			32
I. Final Act of the International Health Conference.....	July 22, 1946	Not required	32
II. Constitution of the World Health Organization.....	July 22, 1946	Aug. 29, 1946	32
III. Arrangement concluded by the Governments represented at the International Health Conference.....	July 22, 1946	Not required	32
IV. Protocol concerning the <i>Office International d'Hygiène Publique</i>	July 22, 1946	Aug. 29, 1946	32

*Unless otherwise indicated, the date of an agreement and the date of its signature by Canada are identical.

PART 1.—MULTILATERAL TREATIES—Conc.

INSTRUMENT	DATE*	DEPOSIT OF CANADIAN RATIFICATION	TREATY SERIES NO.
Final Act of the Conference on German-owned patents held at London from July 15 to 27, 1946.....	July 27, 1946	Not required	46
<i>Annex:</i> Accord done at the Conference, July 27, 1946.....	Dec. 30, 1946	Not required	46
International Agreement (London) on North Atlantic Ocean Weather Stations.....	Sept. 25, 1946	July 21, 1947	45
Constitution (Montreal) of the International Labour Organization and related documents..	Oct. 9, 1946	July 31, 1947	48
Convention (No. 80) (Montreal) for the partial revision of the Conventions adopted by the General Conference of the International Labour Organization at its first twenty-eight sessions.....	Oct. 9, 1946	July 31, 1947	52
Acts of the International Whaling Conference held at Washington from November 20 to December 2, 1946.....	Dec. 2, 1946	Not required	54
I. Final Act of the Conference.....	Dec. 2, 1946	Not yet effected	54
II. International Convention for the Regulation of Whaling.....	Dec. 2, 1946	Nov. 12, 1947	54
III. Protocol for the Regulation of Whaling..	Dec. 2, 1946		54
Protocol (Lake Success) amending the International Agreements, Conventions and Protocols on Narcotic Drugs concluded in 1912, 1925, 1931 and 1936.....	Dec. 11, 1946	Not required	50
Constitution (Flushing Meadow) of the International Refugee Organization and related documents.....	Dec. 15, 1946	Aug. 7, 1947	47

*Unless otherwise indicated, the date of an agreement and the date of its signature by Canada are identical.

PART 2.—BILATERAL TREATIES

INSTRUMENT	DATE OF SIGNATURE	EXCHANGE OF RATIFICATIONS	TREATY SERIES No.
AUSTRALIA— Agreement (Ottawa). Air Services.....	June 11, 1946	Not required	22
Exchange of Notes (Canberra) amending for the period August 13 to December 31, 1946, the Trade Agreement between the two countries, signed July 8, 1931, as regards duty on oranges imported into Canada.....	July 19, Aug. 13, 1946	Not required	38
BELGIUM— Financial Agreement (Ottawa), together with an Exchange of Notes.....	May 2, 1946	Not required	21
Exchange of Notes (Brussels) constituting an Agreement in settlement of war claims..	May 21, July 13, 1946	Not required	33
CHINA— Financial Agreement (Ottawa), together with an Exchange of Notes.....	Feb. 7, 1946	Not required	20
Exchange of Notes (Ottawa). Commercial <i>modus vivendi</i>	Sept. 26, 1946	Not required	37
COLOMBIA— Trade Agreement (Bogota).....	Feb. 20, 1946	Not yet effected	7
CZECHOSLOVAKIA— Agreement (Ottawa) amending the Financial Agreement concluded between the two countries on March 1, 1945 as amended by an Agreement signed on June 26, 1945.....	June 28, 1946	Not required	55
FRANCE— Financial Agreement (Ottawa), together with an Exchange of Notes.....	May 2, 1946	Not required	14
Exchange of Notes (Ottawa). Release of private property from Government control.	Feb. 12, Apr. 3, 1946	Not required	16
MEXICO— Trade Agreement (Mexico).....	Feb. 8, 1946	May 6, 1947	4
NETHERLANDS— Exchange of Notes (Ottawa), constituting an Agreement for the resumption of trade relations.....	Feb. 1/5, 1946	Not required	6
Financial Agreement (Ottawa), together with an Exchange of Notes.....	Feb. 5, 1946	Not required	19
Exchange of Notes (Ottawa). Compensation for war damage.....	Dec. 3/30, 1946	Not required	53

PART 2.—BILATERAL TREATIES—*Cont.*

INSTRUMENT	DATE OF SIGNATURE	EXCHANGE OF RATIFICATIONS	TREATY SERIES NO.
NEWFOUNDLAND— Exchange of Notes (St. John's) constituting an Agreement for the training in Canada of ex-service personnel of Newfoundland.....	Feb. 14/27, 1946	Not required	11
Exchange of Notes (St. John's) prolonging the Agreement for commercial service to Newfoundland by Trans-Canada Air Lines entered into by an Exchange of Notes in February 1942.....	Mar. 18, Apr. 12, 1946	Not required	26
Agreement (St. John's). Air transport.....	July 29, 1946	Not required	34
NEW ZEALAND— Exchange of Notes (Wellington) constituting an Agreement for reciprocal exemption of certain agency profits from income tax.....	Nov. 3, 1945 Jan. 30, 1946	Not required	5
NICARAGUA— Trade Agreement (Managua).....	Dec. 19, 1946	Not yet effected	43
UNION OF SOUTH AFRICA— Exchange of Notes (Cape Town) amending for the period May 1 to December 31, 1946 the Trade Agreement between the two countries of August 20, 1932, as regards wool imported into Canada.....	Apr. 16, May 14, 1946	Not required	25
Exchange of Notes (Cape Town) amending for the period June 1 to December 31, 1946, the Trade Agreement between the two countries of August 20, 1932, as regards shafty wool for papermakers' felts imported into Canada.....	June 12, 1946	Not required	27
Exchange of Notes (Pretoria) amending for the period August 1 to December 31, 1946 the Trade Agreement between the two countries of August 20, 1932 as regards duty on oranges imported into Canada.....	July 31, 1946	Not required	36
Exchange of Notes (Pretoria) amending for the period September 1, 1946 to March 31, 1947 the Trade Agreement between the two countries of August 20, 1932, as regards carpet wool imported into Canada.....	Oct. 22, 1946	Not required	39
UNITED KINGDOM— Financial Agreement (Ottawa), together with an Exchange of Notes.....	Mar. 6, 1946	Not required	9
Agreement (Ottawa). Settlement of war claims.....	Mar. 6, 1946	Not required	10
Agreement (London). Avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.....	June 5, 1946	Not required	17
Agreement (London). Avoidance of double taxation and the prevention of fiscal evasion with respect to duties on the estates of deceased persons.....	June 5, 1946	Not required	18

PART 2.—BILATERAL TREATIES—*Conc.*

INSTRUMENT	DATE OF SIGNATURE	EXCHANGE OF RATIFICATIONS	TREATY SERIES NO.
Agreement (Ottawa). Purchase of Canadian wheat.....	July 24, 1946	Not required	30
Agreement (Ottawa). Chartering of ships..	Dec. 31, 1946	Not required	44
UNITED STATES OF AMERICA—			
Exchange of Notes (Ottawa). Disposition of storage and loading facilities at Prince Rupert.....	Dec. 21, 1945 Jan. 3, 1946	Not required	1
Exchange of Notes (Ottawa) constituting an Agreement on the subject of war surpluses and related matters.....	Mar. 30, 1946	Not required	12
Convention (Washington). Great Lakes Fisheries.....	Apr. 2, 1946	Not yet effected	13
Exchange of Notes (Ottawa). Disposal of war surpluses and related matters.....	July 11/15, 1946	Not required	31
Exchange of Notes (Washington). Application and interpretation of the Rush-Bagot Agreement of 1817.....	Nov. 18, Dec. 5, 1946	Not required	40
Supplementary Exchange of Notes (Ottawa). Disposal of the Canol Project...	Nov. 7, Dec. 30, 1946	Not required	41
Exchange of Notes (Washington), recording an Agreement for the waiver of claims arising from maritime collisions involving vessels of the two countries.....	Sept. 28, Nov. 15, 1946	Not required	42
Exchange of Notes (Washington) recording an Agreement for the mutual interchange of patent rights in connection with RDX and other explosives.....	Sept. 3/27, 1946	Not required	51
VENEZUELA—			
Exchange of Notes (Caracas). Renewal of commercial <i>modus vivendi</i> of March 26, 1941.....	Apr. 9, 1946	Not required	35

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